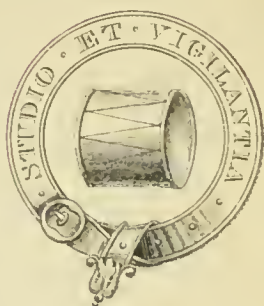




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THE
SILENT TRADE



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THE SILENT TRADE

A Contribution to the Early History
of Human Intercourse

BY

P. J. HAMILTON GRIERSON

“Dederat natura omnia omnibus. Sed cum a rerum multarum usu, quas vita desiderat humana, locorum intervallo homines arcerentur, quia . . . non omnia ubique proveniunt, opus fuit traiectione; nec adhuc tamen permutatio erat, sed aliis vicissim rebus apud alios repertis suo arbitrio utebantur; quo fere modo apud Seres dicitur rebus in solitudine relictis sola mutantium religione peragi commercium.”—GROTIUS.

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P R E F A C E.

THE Silent Trade,—“Stummer Handel,”—“Le Commerce par dépôts,”—has been frequently mentioned, but has never, so far as the writer is aware, been made the subject of adequate treatment. In this little book, an attempt is made to give some account of it in operation and survival,—to show what were the circumstances of its origin and what the effects produced by it;—in a word,—to assign it its place in the history of early institutions. In the introductory pages, only those facts relating to primitive society are presented, which seem to have a direct bearing upon the practice; and the neutrality of the primitive market and the protection of the stranger-guest are dealt with at a later stage of the argument only in order to indicate their close connection with the “peace,” which it was the first to introduce.

P. J. H. G.

EDINBURGH, 1903.

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THE SILENT TRADE.

I.—INTRODUCTION.

I.

The Subject and Method of Inquiry.

SEC. I. Man is a social animal, and, like other such animals, enjoys the companionship of his fellows, gives them more or less of his sympathy, and is more or less ready to assist them. But just as the social instincts of the brute extend, not to all the individuals of its kind, but to those only of its pack, so the social feelings of primitive man are effectively active only within the association to which he belongs.¹ The modern view and the modern practice are altogether different. We profess, at all events, to regard and treat our fellow-men as the subjects of rights and duties, not because they are members of a certain family, or tribe or nation, but because they are men. And the question presents itself,—how has this change been brought about? To this question we shall not attempt to furnish a complete answer. What we propose to do is to turn to primitive man and his surroundings,—

¹ See C. Darwin, "Descent of Man," second 'edition, London, 1888, i. 150 *seq.*

to inquire what are the characteristics of the group of which he is a member, what is the need which impels him to enter into relations with men outside of that group, and what are the methods which he employs in his endeavours to supply that need. We believe that an examination of the evidence which bears upon these points will enable us to discover some of the more important factors which have operated to produce the change with which we are concerned.

Sec. 2. We have contrasted "primitive" with "modern," and we have spoken of "change"; and it is proper that we should state at the outset what we mean when we use these terms. Change can take place only in time, but lapse of time does not necessarily imply change; and a mode of thought or action may remain unaltered during the course of ages. Accordingly, when we speak of "change," we have in mind not so much a succession in time as a process of development; and when we oppose "primitive" to "modern," we intend to indicate not so much an epoch in time as a stage in a process. Further, such a term as "primitive" can be used with accuracy only as a relative term; and, accordingly, when we use the expression "the primitive group," we mean not the simplest form of human society, but the simplest form of human society with regard to which we have reliable evidence.¹

Sec. 3. Where, then, are we to look for the evidence regarding the primitive group? Plainly, not to pastoral, still less to agricultural, peoples; but rather to those who are dependent for their daily sustenance upon the spoils of the chase and the bounty of the untilled earth. The rude hunter takes little or no thought for the morrow; he

¹ See R. v. Ihering, "Der Geist des Römischen Rechts," Leipzig, 1878, i. 60 *seq.*

lives by killing and does nothing to replace the life which he has taken ; and he wastes and even destroys what he cannot then and there consume. In favoured regions the man who neither plants nor sows, who has neither flocks nor herds, is not infrequently brought face to face with starvation. For the means of subsistence, which any one spot affords, are soon exhausted ; and, when these fail him, he must change his ground ; he must follow the game in its migrations ; he must, in short, devote himself almost continuously to a search for his daily food. The case of the herdsman is widely different. His chief concern is not to destroy animal life but to preserve and foster it, so that it shall not only suffice to supply the wants of the moment, but assure to him a resource upon which he can always draw. To produce this result requires not only the constant exercise of a far-sighted prudence, but the co-operation of all the members of the community. In other words, all must join in the endeavour to carry out a plan which takes into account the future as well as the present. Their practical life is not a mere series of unconnected acts ; for it is formed upon a scheme, in which each act has its place, and to the realisation of which each act contributes. And this observation applies no less to those who cultivate the lands upon which they have settled. They, too, have common aims, common interests, and common work ; and what they aim at, what they are interested in, and what they work for, is to secure the conditions of permanent well-being. In this conception and conduct of life we can discern the beginnings of an economy and of a social organisation unknown to the primitive hunter ;¹ and, as we wish

¹ See H. Lotze, "Mikrokosmos," 3te Aufl. Leipzig, 1878, ii. 426, 427 ; E. B. Tylor, "Anthropology," London, 1881, p. 220.

to commence at the commencement, we shall return to him.¹

Sec. 4. Now we are told of the Fuegians that "they never attempt to make use of the soil by any kind of culture: seeds, birds, fish, and particularly shell-fish being their principal subsistence."² So, too, the Australian "will hunt, fish, trap, dig up roots which are ready for food, grind grass seeds into flour, but sow or plant he will not."³ The food of the Bushman consists of bulbous roots, ostrich eggs, the larvæ of ants and locusts, and fish and game. He does not cultivate the soil, nor has he any permanent abode; but wanders from place to place, rarely passing two nights in the same spot.⁴ A very similar account is given by Father Baegert of the aborigines of the Californian Peninsula.⁵ The Veddahs of Nilgala "move about from forest

¹ Of course we do not mean to affirm that the institutions of a community on the lowest level of economic development in every case represent the earliest form of those institutions. A pastoral tribe may practise marriage customs which have been handed down unchanged from their forefathers who lived by the chase; while the marriage customs of a hunting-tribe may be very different from those followed by their ancestors. We can make such an assertion only, and to a limited extent, in regard to those institutions which are directly affected by the economic circumstances of the community within which they subsist; and it is with such institutions that we are concerned in the following pages (see J. Kohler, *zur Rechtsphilosophie und vergleichenden Rechtswissenschaft*, *Juristisches Litteraturblatt*, vii. 197).

² King and Fitz-Roy, "Narrative of the Voyages of the *Adventure* and *Beagle*," London, 1839, ii. 178; cp. Hyades et Deniker, "Mission du Cap Horn, 1882-83," Paris, 1891, vii. 338 *seq.*

³ E. M. Curr, "The Australian Race," London, 1886, i. 79.

⁴ H. Lichtenstein, "Travels in South Africa, in the years 1803-1806," transl. Plumptre, London, 1815, ii. 44 *seq.* 193; J. Barrow, "An Account of Travels into the Interior of South Africa in the years 1797, 1798," London, 1801, i. 276; D. Livingstone, "Missionary Travels and Researches in South Africa," London, 1857, p. 49.

⁵ "Report of . . . Smithsonian Institute for 1863," pp. 361-64.

to forest . . . in search of bees and game ;”¹ and the Kubus of Sumatra “cultivate nothing for themselves, and live entirely on the products of the forest.” They occupy their rude shelters for a few days only at a time ; so long, that is to say, as food is obtainable in the neighbourhood.² Again, it is said of the Shoshonee Indians that they never plant a seed, but subsist upon roots, fish, and the flesh of the buffalo ;³ while Dobritzhoffer describes certain tribes of the Abipones as “living like wild beasts, neither reaping nor sowing, nor taking any heed of agriculture.”⁴ These peoples we may take as types of the primitive hunting and fishing community ; and accordingly, it is to them, and to people such as they are, that we shall look for the evidence regarding the relations, which, in early times, subsisted between man and man and between group and group.⁵

II.

The Group and its Neighbours.

Sec. 5. According to King and Fitz-Roy, “scarcity of food, and the facility with which they move from one place to another in their canoes, are, no doubt, the reasons why the Fuegians are always so dispersed among the islands in small family parties, why they never remain long in one place, and why a large number are not seen

¹ J. Bailey, “An Account of the Wild Tribes of the Veddahs of Ceylon,” in Trans. Ethn. Soc., N.S., London, 1862, ii. 282.

² H. O. Forbes, “Journal of Anthropol. Inst.,” xiv. 122.

³ H. R. Schoolcraft, “Historical and Statistical Information regarding the History . . . of the Indian Tribes of the United States,” Philadelphia, 1851-60, i. 207, 211 ; Lewis and Clarke, “Travels to the Source of the Missouri River . . . in the years 1804-06,” new edition, London, 1815, ii. 162.

⁴ “An Account of the Abipones,” transl. from the Latin, London, 1822, ii. 110, 113.

⁵ See above, sec. 3 last note.

many days in society.”¹ Of a branch of this race—the Yaghans of Cape Horn—Bridges² says that their families live in clans of which the members are related; but that all the members of the clan are “only occasionally and then always incidentally” to be found together. The Australian tribe hunts, camps, and lives, not in a body, but in small chance parties, which meet only from time to time;³ and between the separate Bushman hordes, of which each “commonly consists of the different members of one family only,” there is so little intercourse that the names of the most ordinary objects are different in the different hordes.⁴ Of the Veddahs of Nilgala it is said that “they are distributed through their lovely country in small septs or families,” which hold little communication with one another;⁵ and of the Kubus of Sumatra, that they live in small hordes, each family having a separate existence.⁶ The Shoshonees are found in small detached bodies and single families;⁷ and similar accounts are given of many other hunting and fishing tribes.⁸

¹ II. 177; cp. C. Wilkes, “Narrative of the United States’ Exploring Expedition, during the years 1838-42,” London, 1845, i. 124.

² *Ap.* E. Westermarck, “The History of Human Marriage,” second edition, London, 1894, p. 44. “The smaller divisions keep more together. . . . Occasionally as many as five families are to be found living together in a wigwam, but generally two families.”

³ Curr, i. 53; E. J. Eyre, “Journals of Expeditions of Discovery into Central Australia . . . in the years 1840-41,” London, 1845, ii. 218; see Westermarck, 45, 48. According to B. Spencer and F. J. Gillen, “The Native Tribes of Central Australia,” London, 1899, p. 16, these small parties consist, among the Central Australian natives, of one or two families.

⁴ Lichtenstein, ii. 48, 49.

⁵ Bailey, 281.

⁶ Globus, xxvi. 44.

⁷ Schoolcraft, i. 224.

⁸ P. S. Pallas, “Voyages . . . dans plusieurs provinces de l’Empire de Russie, et dans l’Asie Septentrionale, trad. de Gauthier de la Peyronie,” Paris, 1800, iii. 310 (Voguls); Meyer in Peterm. Mittn., 1874, p. 19 (Negrittos in Luzon); J. Hector and W. S. W. Vaux, “Notice of the Indians seen by the exploring expedition under the command of Captain Palliser,” in the Trans. Ethn. Soc., N.S., i. 246 (Thickwood Crees); and Westermarck, 46 (several Brazilian tribes).

Thus it appears that amongst those peoples, whose social organisation may be regarded as primitive, the population is scattered over a wide¹ area in small groups in the nature of families.

Sec. 6. The group is an association more or less permanent, brought about not merely, or even mainly, by the cravings of passing appetite, but by the pressure of a constant need,—the need of mutual assistance. The man protects the women and children, and hunts for their support. He constructs the shelter, builds the canoe, trains his dogs, and prepares his weapons for war and for the chase. To the woman is left the rest of the work. Her aid is indispensable in procuring food; not only for herself and her children, when her master is absent, but for him, when his time is too much occupied in pursuit of the larger animals to allow of his providing for himself. Among the Fuegians, for example, she gathers mussels and catches fish, and, in addition, attends to her children, makes baskets, fishing-lines, and necklaces, and paddles her lord's canoe.² So necessary, indeed, is her help to the unmarried Yahgan, who has no near relatives, that he is forced to join some one more powerful than himself, who,

¹ See sec. 16 below.

² King and Fitz-Roy, ii. 185; J. Weddell, "A Voyage towards the South Pole in 1822-24," London, 1825, p. 156. Similar accounts are given of many hunting and fishing tribes—*e.g.*, Curr, i. 99 (Australian tribes); R. Schomburgk, "Reisen in Britisch-Guiana in 1840-44," Leipzig, 1847, i. 166 (Warraus); E. H. Man, "On the Original Inhabitants of the Andaman Islands," Jour. of Anthropol. Inst., London, 1883, xii. 328 (Andaman Islanders); Pallas, v. 129 (Ostiaks); Maximilian, "Prinz zu Wied Neuwied, Reise nach Brasilien," Frankfort-am-M., 1820, ii. 17 (Botocudos); *Id.* i. 146 (Puris); Richardson, "Arctic Searching Expedition," London, 1851, ii. 12 ('Tinne Indians); J. Chapman, "Travels in the Interior of South Africa," London, 1868, i. 39 (Bamañ-wato).

in return for his work, will protect him and permit his wives to fish for him.¹

Sec. 7. The Yahgan suitor acquires his bride by performing certain services for her parents. Her inclinations are not consulted ; and, when she has several suitors, she is handed over to him whom her father fears most. There is no marriage ceremony. If the bridegroom has not a canoe of his own, he lives with his wife's parents, and works for them until the first child is born. Even after that event he gives them presents from time to time, and always treats his father-in-law with the greatest deference. Until the birth of the first child the marriage is not regarded as a permanent bond, and the wife is free to change her husband. Marriages between near relations are looked on with disfavour. Sometimes, however, a man marries mother and daughter. Polygamy is permitted, some men having as many as four wives. If husband and wife disagree, the former may divorce the latter without any special form. Until marriage the conduct of the girls is subject to no restraint, and jealousy seems to be unknown to them. The husband will not yield his wife either to his friends or to strangers ; and the observations of voyagers to the contrary appear to be based on the actions of men united neither by affection nor by marriage to the women whom they offered.² The Bushman does not marry out of his own tribe ; and the only degrees of relationship which he recognises as preventing marriage are

¹ M. T. Bridges, trad. par Hyades, Bull. de la Soc. d'Anthrop. de Paris, 1884, ser. iii. t. vii. 180. In Tonga it is customary for a man to choose a foster-mother, even while his own mother is alive, in order that he may be the better provided with cloth, oil, food, &c. (Mariner, "Tonga Islands," i. 89, 167 ; ii. 96 ; in "Constable's Miscellany," Edinburgh, 1827, vols. xiii., xiv.).

² Hyades et Deniker, 239, 377-379 ; Bridges, trad. Hyades, 171-73 ; Bridges *ap.* Westermarck, 299, 318.

those of parent and child, brother and sister. The Bushman suitor asks leave to pay his addresses. He leaves some trifling article at the girl's dwelling ; and, if it be not returned within a few days, he takes for granted that he is accepted. He then makes a hunting party with some of his friends, and brings the spoils of the chase to the father of the girl. A feast follows, and the suitor's friends make small presents to the girl's family. The husband lives with his father-in-law for the first two years, hunts for him, and always treats him with great respect.¹ Among the Kubus, the suitor offers a gift to the girl's father. If the latter approve of it, he calls his neighbours together, and informs them that he has given his daughter in marriage. One of the company strikes a tree several times with a club, proclaiming the man and woman husband and wife ; and there follows a feast, of which the bridegroom's presents form the chief materials.² Among the Veddahs, the suitor presents the girl's father with a gift, such as a pot of honey or a dried iguana. If the father have no objections to offer, he calls for his daughter who comes bringing with her a thin cord of her own twisting. This she ties round the bridegroom's waist, and they are man and wife. The Veddahs are constant to their wives, and are exceedingly jealous of them. They are monogamous and divorce is unknown to them.³ Among the Australian natives the wife is "not the relative, but the

¹ Chapman, i. 259, 260 ; cp. Barrow, i. 276. The wife may with the husband's permission yield herself to any man (Lichtenstein, ii. 49) ; and her infidelity is regarded as almost of no moment (J. E. Alexander, "An Expedition of Discovery into the Interior of Africa," London, 1838, ii. 23. See below sec. 8, note).

² H. O. Forbes, "A Naturalist's Wanderings in the Eastern Archipelago from 1878 to 1883," London, 1885, p. 241.

³ Bailey, 291-94. Formerly, the marriage of a man with his younger sister was regarded as *the* proper marriage to make ; while marriage with an elder sister or aunt would have been looked upon as incestuous (*Id. ib.*).

property of her husband." Not infrequently he obtains her in exchange for his sisters or for his daughters. He may exchange her or lend her to any man of the class to which he himself belongs.¹ He has little real affection for her; and yet he is jealous, and will hardly allow her to speak to any other man.²

Sec. 8. All these peoples have some conception of rights of property.³ Among the Yahgans, individual ownership extends only to a man's necessary personal effects. What he makes or kills or finds,—that is his.⁴ So, too, the only wealth of the Bushman,⁵ as of the Fenni,⁶ consists of bows and arrows. The Veddahs most prized possessions are their bows and their dogs;⁷ and, amongst the Australian natives, each tribesman is regarded as the owner of his weapons, implements, and ornaments.⁸ He is also held to be the owner of his wife.⁹ The Kubus are said to have no

¹ Curr, i. 106, 107; G. F. Angas, "Savage Life and Scenes in Australia and New Zealand," London, 1847, i. 93, 94; G. Grey, "Journals of Two Expeditions of Discovery in N.W. and W. Australia, in 1837-39," London, 1841, ii. 230; Eyre, ii. 318, 319; Wilkes, ii. 195. After a battle the gins not infrequently go over to the victors, even those with young children on their backs (T. L. Mitchell, "Three Expeditions into the Interior of Eastern Australia," London, 1838, i. 304). ² Eyre, ii. 321; Curr, i. 106.

³ As to rights of property in land, see sec. 16 below.

⁴ Hyades et Deniker, 243. The rights of even a child are respected. Observe, however, that when a large animal is found dead, the right of the finder is limited to that of making the distribution (Bridges, trad. Hyades, 178).

⁵ Lichtenstein, ii. 45.

⁶ Tac. Germ., 46;—"Victui herba, vestitui pelles, cubile humus, solæ in sagittis opes."

⁷ Bailey, 286.

⁸ Curr, i. 66. Even the wife, although she is her husband's property, is allowed to keep as her own any small articles she may acquire.

⁹ The same conception of the woman's position prevails among the natives of the Bihe (Capello and Ivens, "From Benguela to the territory of Yacca," London, 1882, i. 112); the Puris (Maximilian Prinz zu Wied-Neuwied, i. 146); the Eskimo near the mouth of the Mackenzie River (E. Petitot, "Les Grands Esquimaux," Paris, 1887, p. 104); the Indians of British Guiana (E. F. im Thurn, "Among the Indians of Guiana," London, 1883,

personal property, but "if one of them on finding a bee-infested or dammar-yielding tree, clear the bush around it, make one or two hacks in the bark, and repeat a form of spell, it is recognised by the others as his possession, which will be undisputed."¹ Practices similar to that last mentioned are widely prevalent, and, in general, serve as means, not so much of acquiring² a right, as of keeping intact a

p. 223); and the Shoshonees (Lewis and Clarke, ii. 164, 165, 416); and further indications of it are furnished by the fact, that, among many people, adultery is regarded as an offence only when committed without the husband's permission—*e.g.*, Ricaras and Sioux (Lewis and Clarke, i. 144); Yumas (H. H. Bancroft, "The Native Races of the Pacific States of North America," London, 1875, i. 514); Knisteneaux Indians (A. Mackenzie, "Voyages from Montreal . . . to the Frozen and Pacific Oceans, in the years 1789 and 1793," London, 1801, xcvi.); cp. Lichtenstein, ii. 48, 49, and Alexander, ii. 23, as to the Bushmen; and Lisiansky, "A Voyage round the World in the years 1803-06, London, 1814, p. 82, and Jarves, "History of the Sandwich Islands," London, 1843, p. 80, as to the natives of Nukahiva and Hawaii. Hyades et Deniker, p. 377, deny that the Yahgan husband condones his wife's misconduct); and by the practice in use among the Incas (Waitz-Gerland, "Anthropologie der Naturvölker," Leipzig, 1859-72, iv. 417), and Basutos (E. Casalis, "The Basutos, London, 1861, p. 225), in Northern Queensland (C. Lumholtz, "Among Cannibals," London, 1889, p. 126), and in Madagascar (Rochon, "Voyage to Madagascar," in Pinkerton's "General Collection of . . . Voyages and Travels," London, 1808-14, xiv. 747), of visiting it with the penalty appropriate to theft. A similar view seems to prevail among the tribes of Central Australia (Spencer and Gillen, p. 99), and to have prevailed in Homeric times (A. G. Keller, "Homeric Society," New York, London, and Bombay, 1902, p. 227). See sec. 43 below.

¹ Forbes, "A Naturalist's Wanderings," p. 242.

² "There was a kind of variation on the *tapu*, called *tapa*, of this nature. For instance, if a chief said, 'That axe is my head,' the axe became his to all intents and purposes." ("Old New Zealand," by a Pakeha Maori, London, 1863, p. 160, see also pp. 161-63. Cp. also E. Shortland, "Traditions and Superstitions of the New Zealanders," London, 1854, p. 91). So, too, the finder of a piece of drift wood could *tapa* it to himself by tying something round it, or by giving it a chop with his axe (R. Taylor, "Te Ika a Maui; or, New Zealand and its Inhabitants," London, 1855, p. 62. Cp. J. Chalmers, "Pioneering in New Guinea," London, 1887, p. 186); and a canoe found adrift was *tapa* to the finder (E. Dieffenbach, "Travels in New Zealand," London, 1843, ii. 102).

right already acquired.¹ Thus Livingstone² says that in the country of the Balonda, where artificial hives are frequently attached to the trees, "a 'piece of medicine' is tied round the trunk, and proves sufficient protection against thieves. The natives seldom rob each other, for all believe that certain medicines can inflict disease and death." In Ceram, a man preserves his property,—a fruit-tree, for example,—from injury by the use of the "mutue." Thus, if he hang the jaw-bone of a boar,— "mutue hahua"—somewhere among its branches, he may rest assured that whoever breaks the tree or steals its fruit will be mangled by one of those animals.³ Again, Krapf⁴

¹ *E.g.*, in the Marquesas (H. Melville, "A Narrative of a Four Months' Residence among the Natives of a Valley of the Marquesas Islands," London, 1846, p. 245); in New Zealand (Dieffenbach, ii. 48, 101); and among the Muruts of Borneo (H. Ling Roth, "The Natives of Sarawak and British North Borneo," London, 1896, i. 419).

² "Missionary Travels," p. 285.

³ J. G. F. Riedel, "De sluik- en kroesharige Rassen tusschen Selebes en Papua," S. Gravenhage, 1886, pp. 114, 115. He gives many other instances; see index, *s.v.* "Sasi." The punishment is attributed to the action of supernatural influences. See also Kohler, "Recht d. Papuas," *Zeits. f. vergl. Rechtsw.*, xiv. 371, 372, 374; as to the inhabitants of Tonga, see Mariner, ii. 186, 187; and as to Samoans, see G. Turner, "Nineteen Years in Polynesia," London, 1861, pp. 294-96; "Samoa a Hundred Years Ago and Long Before," London, 1884, p. 34. As to Polynesia generally, see Waitz-Gerland, vi. 343.

⁴ "Travels in Eastern Africa," London, 1860, p. 145. To tie a "piece of medicine" to a specific article, or to lay it across a road, or to fasten it to the boundary of a field or of a hunting-ground, is to place the article, or the road, or the boundary, under the protection of supernatural powers, who will see to the punishment of the man who disregards the sacred sign. Thus, Baikie ("Narrative of an Exploring Voyage up the Rivers Kwóra and Binue in 1854," London, 1856, p. 279; see also Bastian, "Ein Besuch in San Salvador, die Hauptstadt des Königreichs Congo," Bremen, 1859, pp. 78, 111) tells us that in Yóruba "if there be two entrances to a hut, or two passages to any part of a dwelling, one is kept closed by a string being put across it, and some djú-dju article hung up over it." In Timor, a prevalent custom is the "pomali," exactly equivalent to the tabu of the Pacific islanders, and equally respected. Thus, a palm-branch laid across an open door is more effectual than bolts and

tells us that a cocoa-nut hanging over the gate of a village "is supposed to be effectual in keeping thieves and robbers at a distance from the trees and villages, and many Wanika suspend a similar ugango before the door of their huts; . . . nobody dares to enter so long as it is not removed."

Sec. 9. Each of these groups is in contact, at all events, occasionally, with similar and related groups. Towards these its attitude is essentially dissimilar from that which it assumes towards alien groups. Thus, in Australia, the relation between stranger tribes is one of unceasing hostility. They practise sorcery against one another, and carry on

bars (A. R. Wallace, "The Malay Archipelago," London, 1890, pp. 149, 150, 451). Thomson ("Through Masai Land," new edition, London, 1887, p. 271) says of the Wa-kamasi that, until "hongo" or passage-money is paid, "the road is shut" by placing some green twigs across the pathway. To pass over that sacred symbol without permission is sufficient to drive the people into fits of uncontrollable excitement. Riedel (p. 296) tells us that, in some of the Spice Islands, to cross a boundary which is "moli," or tabu, is a cause of trouble or even of war; and, according to C. F. Ph. von Martius ("Von den Rechtszustände unter den Ureinwohnern Brasiliens," München, 1832, p. 37), the people of Cumana protect their plantations by drawing round them a single cotton thread. It is considered a great crime to disregard the limits thus marked out; and it is the universal belief that he who fails to observe them will not long survive. In his "Voyage to the Congo in 1682" (Pinkerton, xvi. 238), Merolla informs us that, "the fields of this country being without fences, their owners, to preserve their corn, plant about them several rows of stakes, which, being bound round with bundles of herbs by the wizards, they tell you will kill any such as shall offer either to rob or do them damage." This account presents a striking similarity to that of Hislop (quoted by E. B. Tylor, "Primitive Culture," third edition, London, 1891, ii. 164) regarding the stones which the ryot of Southern India sets up in his fields. He looks upon them as the guardians of his crops, and calls them the five Pandûs. As to the Land Dyaks of Borneo, see S. St. John, "Life in the Forests of the Far East," London, 1862, i. 199; as to the New Zealanders, see J. S. Polack, "Manners and Customs of the New Zealanders," London, 1840, ii. 70, cp. i. 276. In Tahiti, carved images or "tiis" are employed to mark boundaries; and the removal of ancient land-marks is regarded as a heinous offence (Ellis, "Polynesian Researches," London, 1831, iii. 116). A law ascribed to Numa is in these terms: "eum qui terminum exarasset, et ipsum et boves sacros esse" (see

warfare by night attacks, in which men and children are butchered, while the women are speared and carried off ;¹ on the other hand, the members of associated² tribes visit and intermarry, and decide their differences in fair fight, and with little bloodshed.³ So, too, the Yahgans, amongst whom, according to Hyades,⁴ the tribe cannot in any proper sense be said to exist, regard one another, even in their quarrels, with feelings very unlike the intense fear and hatred which they entertain towards the men of the other Fuegian tribes—the Ona and Alakaluf.⁵ No doubt, it has been said of them, that, beyond the family circle, the relation of man to man is doubtful, if not hostile.⁶ Still, the visitor from another group is always sure of a seat by the fire, and a portion of food, although the hut be

R. v. Ihering, "Vorgeschichte der Indo-Europäer," Leipzig, 1894, p. 263); and the laws of old Germany severely punished the man who "removed his neighbour's landmark" (W. E. Wilda, "Das Strafrecht der Germanen," Halle, 1842, p. 925 *seq.*). It is to be noted that, among the aborigines of Brazil, the pajés take an active part in the settlement of the boundaries of the tribal hunting-grounds, performing many magical rites and ceremonies, with the usual accompaniments of smoking and drumming. Sometimes baskets, rags, and strips of bark are attached to the objects which mark the dividing line (C. F. Ph. von Martius, 34, 35). Shortland (p. 83), observes that in New Zealand "the dread of trespassing on any *tapu* spot was formerly so powerful, that on going to a strange land, ceremonies were performed, in order to make it *noa*, lest, perchance, it might have been previously *tapu*."

¹ Among the Samoans, a similar practice prevailed (Turner, "Nineteen Years in Polynesia," p. 301).

² In Australia, every tribe has constant, and, for the most part, friendly relations with other tribes. Still, each tribe within the association maintains its separate existence (Curr, i. 63). Spencer and Gillen (p. 32), state that, among the tribes of Central Australia, there is no such thing as two tribes being constantly at enmity. They point out the mistake of speaking of the customs of the "Australian native;" for customs differ in different tribes (p. 34).

³ Curr, i. 63.

⁴ "Ethnographie des Fuegiens," Bull. de la Société d'Anthropologie, Paris, Ser. iii., t. x. 333.

⁵ Hyades et Deniker, 16, 240.

⁶ Stirling, in the "South American Missionary Magazine," iv. 11.

crowded, and the supplies scanty ;¹ and the men of different families frequently enter into a bond of friendship, which is marked by an exchange of gifts, and by a peculiar fashion of painting the face and body.² So, too, in their disputes friends side with friends ;³ and in Australia, men who belong to the same class within the tribe, must make common cause when quarrels arise.⁴ Groups friendly or related to a murdered Yahgan, join in pursuit of the murderer,⁵ and treat those who shelter him as participants

¹ Hyades et Deniker, 243 ; if he have food with him he must share it. So, too, the Wakuafi are hospitable to strangers of their own nation (Krapf, 364) ; and, in the Andaman Islands, strangers introduced by mutual friends are entertained with the best (Man, 148). Each Andaman family keeps a supply of food in excess of its own requirements for its visitors (*Id.* 328).

² Bridges, trad. Hyades, 182. Among the Pehuenches there exists a system of friendly association which enters into every relation of life. In times of peace, the members visit one another frequently ; in time of war, they bivouac together, fight on the same side, and in necessity or peril support one another to the death (E. Pöppig, "Reise in Chile, Peru, und auf der Amazonenstromen während der Jahre," 1827-32 ; Leipzig, 1835, i. 384, 385). Cp. P. F. X. Charlevoix ("Histoire . . . de la Nouvelle France avec la Journal Historique d'un Voyage fait . . . dans l'Amérique Septentrionale," Paris, 1744, vi. 14), who speaks of a similar association among the Iroquois. Williams and Calvert ("Fiji and the Figians," second edition by Rowe, London, 1860, i. 45, 46), tell us that in Fiji, "instances of persons devoting themselves specially to deeds of arms are not uncommon. The manner in which they do this is singular, and wears the appearance of a marriage-contract ; and the two men entering into it are spoken of as man and wife to indicate the closeness of their military union. By this mutual bond the two men pledge themselves to oneness of purpose and effort, to stand by each other in every danger, defending each other to the death, and, if needful, to die together. In the case of one of the parties wishing to become married in the ordinary style to one of the other sex, the former contract is duly declared void." Among the Tupis a man was not permitted to marry a sister or daughter of the friend with whom he had all things in common (J. Lery, "Voyage in Brazil" in De Bry, "Americæ tertia pars," Franc. a. M., 1594, c. 16) ; and at Zayla the tie of the "Nazil" (see sec. 47 below) can be dissolved only by the formula of triple divorce (R. F. Burton, "First Footsteps in East Africa," London, 1856, p. 124).

³ Hyades et Deniker, 241, 374 *seq.*

⁴ Spencer and Gillen, p. 344, cp. p. 544, see also Eyre, ii. 224 ; Grey, ii. 230 ; Curr, i. 62, 72.

⁵ Hyades et Deniker, 241, 374 *seq.*

in his crime;¹ and in this connection may be noted the widely prevalent conception, that the family, the group, or even the whole tribe is involved in the guilt of the member.² Further, among the Yahgans, the Yuracarès and Chiquitos, and the natives of King George's Sound, it is the practice to interchange visits, and these visits are made the occasion of festivities.³ But the visitor must make

¹ Bridges, trad. Hyades, 177. So, according to Waitz-Gerland (iii. 517), among the Pehuenches, the robber's relations are implicated in his crime. But see Starke, "The Primitive Family," London, 1889, p. 48, according to whom it is only "those who are living in community with the robber who are held to be responsible."

² See, for example, Scott Nind, "Description of Natives of King George's Sound (Swan River Colony), and adjoining country," *Journ. of R.G.S.*, i. 45; Grey, ii. 239 (Australians); Thomson, "The Story of New Zealand," London, 1859, i. 58; Shortland, p. 224 (New Zealanders); Wilkes, ii. 150 (Samoans); M. Macfie, "Vancouver Island and British Columbia," London, 1865, p. 470 (Columbian Indians). Among the Efik tribesmen of Old Calabar, "responsibility for debts is not a particular, but a universal, liability on the district to which the debtor belongs" (T. L. Hutchinson, "On the Social and Domestic Traits of the African Tribes, with a glance at their Superstitions, Cannibalism, &c., &c.," in the *Trans. of Ethn. Soc.*, N.S., i. 330). Upon this sense of corporate responsibility rests the Berber custom which allows a person who has been robbed to seize some article belonging to the robber's family, or to a man of his village or tribe (A. Hanoteau et A. Letourneux, "La Kabylie et les coutumes Kabyles," Paris, 1872-73, iii. 82). Even among civilised peoples are to be found traces of similar usages. Thus, "when Bordeaux merchants had wines taken from them by Flemish pirates, they procured letters of reprisal against Flemish merchants in England," so that the penalty would fall on the right shoulders at last (W. Cunningham, "The Growth of English Industry and Commerce during the Early and Middle Ages," Cambridge, 1890, p. 280; cp. L. Goldschmidt, "Handbuch des Handelsrechts," 3te Aufl., Stuttgart, 1891, i. 121). Krapf (p. 333) tells us that, by order of the king of Kilema, thirteen persons were killed because they came from the same town as certain traders who had robbed him. See also Capello and Ivens, ii. 242; Angas, ii. 171.

³ Sports and entertainments, among the Yahgans (Hyades et Deniker, 373, 374); dancing and carousing, among the Yuracarès and Chiquitos (A. D'Orbigny, "Voyage dans l'Amérique Méridionale, 1826-1833," Paris, 1839, iv. 164, 259); feasting, among the natives of King George's Sound (Scott Nind, 44). As to the natives of Lower California, see Baegert, "Report of . . . Smith. Inst. for 1863," p. 368.

plain that he comes as a friend. Thus the Yuracarès announce their approach by sound of trumpet; and the Australians, of whom Scott Nind speaks, advance with green boughs in their hands, and with fillets of green leaves on their heads.¹ When food is scarce at home, the Samoan visits his friends;² and, among the Andaman islanders, "visits are usually followed by an interchange of gifts, the host taking the initiative."³ Towards strangers of their own race the Wakuafi act liberally and kindly;⁴ and, according to Catlin,⁵ "every man, woman, or child in Indian communities is allowed to enter anyone's lodge, and even that of the chief of the nation, and eat when they are hungry, provided misfortune or necessity have driven them to it. Even so can the poorest and most worthless drone of the nation. . . . He, however, who thus begs when he is able to hunt, pays dear for his meat, for he is stigmatised with the disgraceful epithet of a poltroon and a beggar."

Sec. 10. Is there any trace, it may be asked of the existence of commercial relations between the associated groups? We may say at once that there is ample evidence of the prevalence of usages from which such relations might arise. Thus, the practice of giving and receiving is universal. When the Bushman,⁶ or the Kubu,⁷ or the Veddah,⁸ thinks of marrying a girl, he opens his suit by making a gift to her father;⁹ and it is by means of a gift that the Yahgan

¹ D'Orbigny, Scott Nind, *ubi cit.*

² Wilkes, ii. 148, 149.

³ Man, 392.

⁴ Krapf, 364.

⁵ "Letters and Notes on the Manners, Customs, and Conditions of the American Indians," London, 1841, i. 122.

⁶ Chapman, i. 259, 260.

⁷ Forbes, "A Naturalist's Wanderings," 241.

⁸ Bailey, 291-93.

⁹ The Yahgan suitor acquires his bride by performing certain services for her parents (Hyades et Deniker, 377-79; Bridges, trad. Hyades. 172). This practice, says Westermarck (p. 390), who has collected many examples, "is widely diffused among the uncivilised races of America, Africa, Asia, and the Indian Archipelago."

cements the bonds of friendship, and buys off the vengeance of his victim's kinsmen.¹ To the Yahgan, one of the main inducements to acquire property is that its possession enables him to give. At the same time, he expects to receive something in return.² So, too, Sproat³ says that "the gaining of property, with a view to its distribution, is a ruling motive for the action of the Ahts." But the gift is regarded as an investment; a return is expected; and he who gives most freely acquires rank and reputation.⁴ Among the Western Eskimo, according to Simpson,⁵ "a free and disinterested gift is totally unknown;" and, of the Andaman islanders, it is said that they "give such objects as are desired by another, in the hope of receiving in return something for which they have expressed a wish, it being tacitly understood that, unless otherwise mentioned before-

¹ Bridges, trad. Hyades, 182, 177. As to the satisfaction made for crime by means of payment, see A. H. Post, "Grundriss der Ethnol. Jurisprudenz," Oldenburg, u. Leipzig, 1895, ii. 256 *seq.*; W. E. Wilda, 314 *seq.*; J. Grimm, "Deutsche Rechts-Alterthümer," Göttingen, 3te Aufl., 1881, pp. 648, 661.

² Bridges, trad. Hyades, 179; cp. Hyades et Deniker, 243.

³ "Scenes and Studies of Savage Life," London, 1868, pp. 112, 113.

⁴ W. H. Dall ("Alaska and its Resources," Boston, 1870, p. 150) says of the tribes south of the Yukon River, that a man will accumulate his property for many years, and then give it all away without expecting a return, in order to gain reputation; and similar statements are made regarding the natives of Upper California by Kastromitonow (v. Wrangell, "Staatistische u. Ethnogeographische Nachrichten über die Russischen Besitzungen an die Nordwestküste von Amerika;" in "Beiträge zur Kenntniss d. Russischen Reiches von K. C. von Baer u. Gr. von Helmersen," St. Petersburg, 1839, i. 92), and of the Western Eskimo (H. Rink, "The Eskimo Tribes," London and Copenhagen, 1887, pp. 28, 29). J. L. Burckhart ("Travels in Arabia," London, 1829, p. 7, note) observes that the real motive of a Turk in giving presents is either to obtain a double return or to gratify his pride.

⁵ "Observations on the Western Eskimaux and the Country they inhabit," in "Further Papers relating to the recent Arctic Expeditions, presented to both Houses of Parliament, January, 1855," London, 1855, p. 926. A similar statement is made regarding the Thlinkets and Haidas (Kohler, "Rechtsvergleichende Skizzen," "Zeits. f. vergl. Rechtsw.," viii. 86).

hand, no 'present' is to be accepted without an equivalent being rendered."¹ At Samoa,² among the Kingsmill and Marshall islanders,³ the natives of Central Brazil,⁴ and some of the Bantu tribes of Eastern Africa,⁵ a similar understanding prevails; and Livingstone⁶ says of the Chiboque that "they are in the habit of making a present, and then demanding whatever they choose in return." In Fiji, the donor, if anything like equality subsist between him and the donee, expects the return of similar gifts or entertainment;⁷ in Tahiti, and in some parts of New Zealand, he specifies the object which he desires in return;⁸ and, in Nigeria, the present which a king sends to strangers is to be regarded, not as an expression of goodwill, but as the formal demand for a larger present.⁹ It is in Africa that this system is found in fullest operation. The natives do not sell to the European, but make presents, extorting from him all his goods, bit by bit, "until"—to quote a singularly worded sentence—"the unhappy man finds himself under the necessity of refusing all presents, and thus giving birth to serious questions affecting the customs and prejudices of the country."¹⁰

Sec. 11. According to Hyades, the Yahgans of Orange Bay have no notion of commerce.¹¹ Wilkes¹² says that, at Orange Harbour, the natives received many presents

¹ Man, 340, cp. 94, 389, 392.

² Wilkes, ii. 127.

³ Wilkes, v. 89; Kohler, "Recht d. Marschallinsulaner," "Zeits. f. vergl. Rechtsw.," xiv. 440.

⁴ K. von den Steinen, "Unter den Naturvölkern Zentral-Braziliens," Berlin, 1894, p. 333.

⁵ Kohler, "Das Banturecht in Ostafrika," "Zeits. f. vergl. Rechtsw.," xv. 46.

⁶ "Missionary Travels," 348.

⁷ Williams and Calvert, i. 42.

⁸ Cook and King, "A Voyage of Discovery to the Pacific Ocean in the Years 1777-80," London, 1784, ii. 73; Shortland, p. 199.

⁹ C. H. Robinson, "Nigeria, Our Latest Protectorate," London, 1900, p. 98.

¹⁰ Capello and Ivens, i. 117.

¹¹ P. 327.

¹² I. 122-25.

for which they gave their spears, a dog, and some rude trinkets ; and he observes that they had little idea of the relative value of things. King ¹ speaks of barter at Murray Narrow, and Darwin ² says, apparently of Yahgans, that they "had a fair idea of barter. I gave one man a large nail (a most valuable present) without making any signs for a return ; but he immediately picked out two fish and handed them up on the point of his spear. If my present was designed for one canoe, and it fell near another, it was invariably given to the right owner." Weddell,³ speaking of the natives of St. Francis Bay, makes the following statement. "In the early part of our acquaintance, whenever I expressed a desire for any of their small articles, they gave me them without any return ; but now they had acquired an idea of barter, and, in exchange for any of their articles of simple manufacture, they demanded something bright, as buttons, &c. ; but bits of our hoops were particularly their objects of esteem." He adds that acquaintance with barter increased the spirit of thieving ;—that they pilfered from one of his vessels in order to sell the stolen articles at the other. Cook⁴ tells us of the Australians at Endeavour Bay that "they had no idea of traffic, nor could we communicate any to them ; they received the things that we gave them, but never appeared to understand our signs when we required a return. The same indifference, which prevented them from buying what we had, prevented them also from attempting to steal. . . . Many of the things that we had given them we found left negligently about in the woods, like the playthings of children, which please only while they are new." When

¹ King and Fitz-Roy, i. 444.

² *Id.* iii. 241.

³ Pp. 153, 182.

⁴ Hawkesworth's "Account of Voyages in the Southern Hemisphere," London, 1773, iii. 634.

Dampier¹ touched at the north coast of Australia, his men clothed some of the natives in the expectation that they in return would carry water for them. They could not make the natives understand what they wanted, and so carried the water themselves; upon which the natives very fairly put off the clothes. According to Le Vaillant,² the Hottentots had no notion of commerce at the time of the first arrival of Europeans at the Cape. Wallis³ found it impossible to establish traffic with the natives a little northwards of the Straits of Magellan. They seemed to be desirous of the things which he showed to them; but they either could not, or would not, understand that he required provisions in exchange. Further, it is related of the inhabitants of that part of the American continent, at which Alonso de Ojeda and Amerigo Vespucci first touched, that they had no idea of commerce.⁴ Labillardière⁵ says of the Solomon Islanders that, while they were glad to receive the presents made to them, it was impossible to obtain anything from them. It is to be observed, however, that, from refusal to trade, ignorance of trading is not necessarily to be inferred; and there is evidence that not only the practice of giving and receiving presents, but that of barter, were known to the ancestors of these islanders.⁶

Where corroborees take place among the aborigines of Victoria, there is on the first day "a distribution of presents,

¹ "A New Voyage Round the World," London, 1703, i. 467.

² "Voyage dans l'Interieur de l'Afrique dans les Années 1780-85," Paris, 1790, ii. 120.

³ Hawkesworth, i. 373.

⁴ Herrera, "The Grand History . . . of America," transl. Stevens, London, 1725, i. 217; "A General Collection of Voyages and Discoveries made by the Portuguese and the Spaniards during the 15th and 16th Centuries," London, 1789, p. 258.

⁵ "Relation du Voyage à la recherche de la Pérouse," Paris, 1797, ii. 264.

⁶ "The Discovery of the Solomon Islands by A. de Mendaña in 1568," London, 1901 (Hakluyt Society), pp. 113, 117, 265, 284, 337, 349, 351, 374.

and an interchange of such little articles as are peculiar to the locality from which they come ; one tribe may be rich in wooden spears, another in reed spears or boomerangs, or have a fortunate deposit of chinkey-chinkey or crystals of kolkebanya (talc)."¹ We are told of the Samoans that they carry on a sort of trade during the visits which friend makes to friend when food is scarce at home, the visitor bringing with him for purposes of exchange the staple of his district ;² and a very similar usage is found among the Andaman Islanders.³ According to Spencer and Gillen,⁴ shell ornaments are traded through the Australian continent from tribes on the north coast, who make them ; and we shall see⁵ that the Kubus and Veddahs are not unacquainted with the principles of commerce.

The evidence which we have been considering seems to justify the statement that, in some instances, mercantile relations subsist between the related groups, and that, in very many instances, there prevails among them a practice of giving presents in the expectation of a suitable return being made. In some cases there is not merely an expectation,—there is a distinct understanding ; and, not infrequently, the object desired in return is specified.⁶

¹ W. E. Stanbridge, "Some Particulars of the General Characteristics, Astronomy and Mythology of the Tribes in the Central Part of Victoria, Southern Australia," in the "Trans. of Ethno. Soc., N.S.," i. 297. Cp. Shortland, p. 198.

² Wilkes, ii. 148, 149.

³ Man, 389, 392.

⁴ Pp. 544, 575 ; cp. Curr, i. 77. See also S. Gason in regard to "The Dieyerie Tribe" (in J. D. Woods, "The Native Tribes of South Australia." Adelaide, 1879, p. 259) ; and in regard to the Narrinyeri Tribe, see below sec. 35, note.

⁵ See sec. 26 below.

⁶ It is to be observed that, in some cases, conduct, which is explained as due to ignorance of commerce, is really to be attributed to some other cause, such as fear, dislike, suspicion, or misunderstanding. See, for an example of misunderstanding, L. M. D'Albertis, "New Guinea," London, 1880, ii. 272 ; and cp. J. Ross, "A Voyage of Discovery made in H.M.S. *Isabella* and *Alexander* for the purpose of Exploring Baffin's Bay," London, 1819, p. 104.

Sec. 12. Occasionally a temporary union of the separate groups is brought about by the requirements of a common undertaking. Thus the Bushmen hordes will combine to hunt or plunder;¹ among the Western Eskimo men of different settlements will form a boat's crew to pursue a common prey, or will join in repelling a common enemy;² the Yahgans will unite in the pursuit of the

¹ Lichtenstein, ii. 49.

² J. Simpson, 940; he adds that, "it is only when danger is common that they will so unite." It is interesting to observe in this connection that, even amongst the rudest peoples, there exist means of conveying information from group to group. Thus Tierra del Fuego derives its name from the numerous fires by which the natives signalled to one another (Magellan's Voyage, in A. Dalrymple's "Historical Collection of the several Voyages and Discoveries in the South Pacific Ocean," London, 1769, p. 27); and Lichtenstein (ii. 196, cp. W. J. Burchell, "Travels in the Interior of South Africa," London, 1822, i. 434; ii. 196), tells us of the Bushmen that "by means of fires on the summits of the mountains they will indicate to each other the numbers of a herd or flock which they mean to plunder, with the means of defence that the people have who are guarding them." Macgillivray ("Narrative of the Voyage of H.M.S. *Rattlesnake*," London, 1852, ii. 7) says of the Australian natives near Cape York, that "the presence of an enemy upon the coast, a wish to communicate with another party at a distance, or the want of assistance, may be denoted by making a small fire, which, as soon as it has given out a little volume of smoke, is suddenly extinguished. . . . If not answered immediately, it is repeated; if still unanswered, a large fire is got up, and allowed to burn until an answer is returned." Spencer and Gillen (16 note) are of opinion that, among the Central Australians, these smokes convey no more than the actual presence of those who make them. Among the Central Californians (Bancroft, i. 380) and the Snake Indians (J. de Smet, "Voyages aux Montagnes Rocheuses," nouvelle edition, Bruxelles et Paris, 1873, p. 30) the intelligence of hostile invasion is announced by such signals; the natives of New Mexico use them to summon aid (Bancroft, i. 580); and the Apaches have a regular system of signalling in the day-time by smoke, and at night by fire-beacons (*Id. ib.* 497). Fire signals are also used in some parts of the South Seas,—e.g., at Tanna (Turner, "Nineteen Years in Polynesia," p. 326). In Nigeria "a few beats of the drum will explain to the people to whom he is coming, whether" the European traveller "is to be received as a friend or an enemy, whether his party is large or small, and similar details of interest" (Robinson, 48); and we have like accounts of the Mang-bettou (J. Burrows, "The Land of the Pigmies," London, 1898, p. 83), of the

murderer ;¹ and the groups of the Arunta, which are locally contiguous, frequently meet to perform ceremonies.² Sometimes even unrelated tribes are forced into alliance by the pressure of a powerful neighbour.³

Sec. 13. The Yahgans have neither kings nor chiefs, castes nor classes. Still they recognise the superiority that belongs to wisdom or daring. The wizard-doctor holds among them a position of influence ; and, in the family, the word of an old man is accepted as law.⁴ In Australia, the father of the family rules in his own circle ; and, while the elders discuss and decide questions of importance to the community, and announce their views to the assembled tribesmen, they exercise little or no authority save that of personal influence, each head of a family being left free to act as he may think proper.⁵ Still, each member must in a general way comply with the usages of his tribe. Were he to persist in disregarding them he would suffer death at the hands of his fellow-tribesmen. Within the family group of the Veddahs, the authority of the headman, who is usually the most energetic of the seniors, is limited, in the ordinary case, to regulating the distribution of food.⁶ The Kubus have no chiefs ;⁷ their elders, however, settle disputes, and award punishments.⁸

natives of the White Nile, and in Kaffa (Waitz-Gerland, ii. 164), and of some of the Brazilian tribes (C. F. Ph. von Martius, p. 20 ; R. Southey, "History of Brazil," London, 1810-19 ; i. 341).

¹ See above, sec. 9.

² Spencer and Gillen, 14.

³ The association of the Shoshonees and the Flatheads, mentioned by Lewis and Clarke (ii. 162), seems to be a case in point. It may be noted that, according to R. Parkinson ("Im Bismark-Archipel," Leipzig, 1887, p. 137), tribes, in those islands, living in peace and friendship, assist one another in time of war.

⁴ King and Fitz-Roy, ii. 178 *seq.* ; Hyades, 327 ; Wilkes, i. 124.

⁵ Curr, i. 59 ; see Spencer and Gillen, p. 102.

⁶ E. Tennant, "Ceylon," third edition, London, 1859 ; ii. 440.

⁷ Globus, xxvi. 44.

⁸ Forbes, "A Naturalist's Wanderings," 243.

The Western Eskimo acknowledge the influence of those who are skilful and enterprising ; but they do not recognise any established control or chieftianship ;¹ and among the Snake Indians, there is little social organisation except during the hunting and fishing seasons. At those times a large number of tribesmen are collected together, and "some person, called a chief, usually opens a trade or talk, and occasionally gives directions as to the methods to be pursued in capturing the fish or game."²

Sec. 14. But, while we may be unable to trace amongst these peoples the presence of a permanent tribal authority capable of restraining and coercing the separate groups, we do find in many of them a force which compels recognition and obedience. Man, so far as he is known to us, "is influenced in the highest degree by the wishes, approbation, and blame of his fellow-men."³ Thus, so great is the desire to obtain a reputation for liberality among the tribes south of the Yukon River, that a man will beggar himself by giving away the accumulations of many years, without looking for a return.⁴ So, too, the Aht is said to destroy his property to show his indifference to wealth ;⁵ while, to show that he is wealthy, the Aru islander will pay the debts of his poorer brethren.⁶ Nor is the desire of praise more potent as a factor in conduct than the fear of disapproval. Spencer and Gillen,⁷ in speaking of the

¹ J. Simpson, 940.

² Schoolcraft, i. 207.

³ Darwin, i. 167.

⁴ Dall, 151. Similar accounts are given of the Western Eskimo (Rink, 28, 29), of the Ahts (Sproat, 112, 113), of the Natives of Vancouver's Island (Macfie, 429), and of the Upper Californians (Kastromitanow in v. Wrangell, i. 92).

⁵ Bancroft, i. 191.

⁶ D. H. Kolff, "Voyages of the Dutch Brig of War, *Dourga*," transl. G. W. Earl, London, 1840, p. 164.

⁷ P. 510 ; cp. p. 11, where it is said that "the Australian native is bound hand and foot by custom. What his fathers did before him that he must do,

custom in accordance with which the mourner cuts and hacks himself, and utters loud lamentations, say that "there is nothing which a black-fellow is so sensitive to as the contempt and ridicule of his fellows to which non-compliance with a custom such as this will expose him; the excessive display being due to the fact that it is a tribal custom, and as such has a very strong hold upon the imagination of a people whose every action is bound and limited by custom." The Indians of Guiana are actuated "by their dread of adverse public opinion should they act contrary to . . . tradition;"¹ and a similar statement is made regarding the Ojibways.² Among the Dog-rib Indians "order is maintained solely by public opinion;"³ and, according to Bridges,⁴ public opinion plays no small part in Yahgan social life. Crantz⁵ observes that "nothing so effectively restrains a Greenlander from vice as the dread of public disgrace;" and it is to this dread that the curious singing contests which he describes owe their moral influence.

Sec. 15. The observance of custom is not infrequently

. . . any infringement of custom, within certain limitations, is visited with sure and often severe punishment." See also p. 15. ¹ Im Thurn, 213.

² Copway, "The Traditional History of the Ojibway Nation," London, 1850, p. 144.

³ Richardson, ii. 26.

⁴ Hyades et Deniker, 243. When the Yahgan steals women or arms, he tries to hide his theft. Public opinion is satisfied only when the guilty person is discovered and punished. The murderer is either slain or treated as an outcast.

⁵ "The History of Greenland," London, 1820, p. 165. He tells us that when a Greenlander thinks himself aggrieved, he challenges the person who has committed the offensive act to a "singing-combat." Each party satirises and lampoons the other, and the contest continues until one of them is reduced to silence. "He who has the last word wins the trial, and obtains henceforth a reputable name." This practice "serves a higher purpose than mere diversion. It is an excellent opportunity for putting immorality to the blush and cherishing virtuous principles" (pp. 164, 165).

secured by the belief that its breach will be attended with disastrous consequences. Thus, Curr¹ tells us that the Australian "black is educated from infancy in the belief that departure from the customs of his tribe is inevitably followed by one at least of many evils, such as becoming grey, ophthalmia, skin eruptions, or skin sickness; but above all, that it exposes the offender to the danger of death from sorcery."

Sec. 16. As to the rights of individuals and groups within the tribe in the tribal territory, we find considerable diversity of view. It is said of the Veddahs that "they have their bounds in the woods among themselves, and one company of them is not to shoot, nor gather honey or fruit beyond those bounds."² The members of an Australian tribe exclude all strange tribesmen from the tract of country which they occupy in common. At the same time, it is an undoubted fact, that, in many tribes, the land is divided into portions, each of which is the property of a group, or even of a single male.³ Between the Western Eskimo and the Indians, their neighbours, there is the greatest jealousy with respect to their boundaries. Any man of either race found upon the wrong side of the line, is liable to be shot at sight. There is, however, a tacit understanding that he who kills a deer on the wrong side of the boundary, may keep the meat, if he leave the skin at the nearest village on that side.⁴ It is said of the Ojibways and Sioux that the right of possession in hunting and fishing grounds is one of their main subjects of dispute;⁵ and of the Puenches, that if they meet within a district, which

¹ I. 54, 55.

² Knox, "Historical Relations of the Island of Ceylon," London, 1681, p. 63.

³ Grey, ii. 232-36; Eyre, ii. 297; Spencer and Gillen, 7; Curr, i. 61-65.

⁴ Dall, 144.

⁵ Copway, 21, 55.

they have been taught by tradition to regard as their own, one of another tribe, war is the immediate result.¹ In Brazil, each tribe has its hunting grounds marked by well-defined boundaries; and a disregard of these is one of the most frequent causes of hostilities.² And since a population, which derives its main support from the buffalo or the rein-deer, must follow their migrations, a sub-division of the soil would be useless in practice. Accordingly, the Indians, who occupy the country north of Great Slave Lake, use the land as a possession common to all the tribesmen.³ The Abipones do not recognise exclusive rights of hunting or fishing.⁴ Among the Wood Crees, however, and other tribes related to them, each family has its own hunting-ground.⁵

On the whole, the evidence goes to show that, to whatever extent the views of one tribe may differ from those of another regarding the rights of individuals or of groups of individuals in the tribal land, they are agreed in this,—that the tribe has exclusive rights in it as against the stranger.

Sec. 17. The boundaries of the tribal territory are, in general, clearly defined. The forest or the river, the lake, the mountain, or the water-shed supplies a landmark.⁶

¹ Pöppig, i. 387. Similarly the Bedouin asserts an immemorial and inalienable right to the lands upon which his fathers fed their flocks (R. F. Burton, "Personal Narrative of a Pilgrimage to El-Medinah and Meccah," London, 1855, iii. 86. See also Riedel, 297, as to the inhabitants of Timor-laut).

² C. F. Ph. von Martius, 35; Southey, i. 118. Schoolcraft (i. 227) observes that "it has been noticed that all buffalo countries are the war-grounds of several tribes." See also Riedel, 298, as to the natives of Timor-laut.

³ Rae, "Journ. of the Anthropol. Inst.," xii. 274; cp. Richardson, i. 351.

⁴ Dobritzhoffer, ii. 110.

⁵ Rae, *ubi supr. cit.*

⁶ See Dall, 144; C. F. Ph. von Martius, 35; Dargun, "Ursprung u. Entwicklungs-Gesch. d. Eigenthums;" "Zeits. f. vergl. Rechtsw.," v. 51; Riedel, 408, *et passim*; Spencer and Gillen, 8.

But, even at a very early period, artificial boundaries were recognised. Sometimes one people was divided from another by a vast stretch of uncultivated land. Thus Cæsar¹ says of the German tribes, "*civitatibus maxima laus est quam latissime circum se vastatis finibus solitudines habere. Hoc proprium virtutis existimant, expulsos agris finitimos cedere neque quemquam prope audere consistere; simul hoc se fore tutiores arbitrantur, repentinæ incursionis timore sublato.*" Sometimes a line of separation was marked by some object, such as an upright stone. Thus Ammianus Marcellinus² speaks of a district "*ubi terminales lapides Alamannorum et Burgundiorum confinia distinguebant.*" In many cases, these boundaries were considered to be under the protection of supernatural powers. Dulaure³ observes that it was only natural that the border-land should be regarded as holy ground. It was a waste—wild, solitary, and mysterious. Within it lay lakes, mountains, and rivers,—objects of veneration and worship,—and the burial places of those who had fallen fighting in its defence. Its very aspect was awe inspiring; and it was associated with all men reverence most and hold most dear. Whatever truth there may be in this explanation, it is evident, on the mere statement of it, that it is based upon a set of very special facts, and that, accordingly, it can have only a very limited application. This limitation is recognised by Lord Avebury,⁴ in an

¹ De Bell. Gall. vi. 23; cp. iv. 3.

² xviii. 2, 15. As to the stelæ used in Egypt to mark boundaries, see Maspero, "The Dawn of Civilisation; Egypt and Chaldea;" transl. M'Clure, third edition, London, 1897, p. 329; R. v. Ihering, "Vorgeschichte d. Indoeuropäer," p. 263.

³ Des Cultes qui ont précédé et amené l'idolatrie, Paris, 1805, p. 110 *seq.*

⁴ "Origin of Civilisation, and the Primitive Condition of Man," sixth edition, London, p. 318.

interesting passage in which he undertakes to show how, in some cases, boundary stones, by being identified with the upright stones, which symbolised Hermes or Mercury, came to be regarded as sacred. We have already noted¹ that, among the aborigines of Brazil, the pajés take an active part in the settlement of the boundaries of the tribal hunting grounds, performing many magical rites and ceremonies, with the usual accompaniments of smoking and drumming ; and that sometimes baskets, rags, and strips of bark are attached to the objects which mark the dividing line. These, we take it, are “djú-dju articles,”—“pieces of medicine,”—by the use of which the boundary is made sacred ; placed, that is to say, under the protection of supernatural powers, who will see to the punishment of any stranger who may venture to cross it.

III.

The Stranger.

Sec. 18. The evidence of language illustrates the intensity of the dislike with which the savage regards the stranger. Thus, the fact that many national names mean nothing more than “men,” “people,” seems to indicate that those who employ them regard the rest of mankind as scarcely human.²

¹ See above, sec. 8, note.

² Burton gives a number of examples taken from South and Central America (“The Captivity of Hans Stade of Hesse in A.D. 1547-1555, among the Wild Tribes of Eastern Brazil,” London, 1874 (Hakluyt Society), lxx., lxxi.; see also *im Thurn*, 158) ; and further instances are supplied by certain North American Tribes (Bancroft, i. 94, 474) ; the natives of Fernando Po (Hans Stade, *loc. cit.*) ; the Eskimo (Bancroft, i. 140 ; Crantz, i. 123) ; the Narrinyeri of South Australia (G. Taplin, in J. D. Wood’s “The Native Tribes of South Australia,” p. 1) ; the Ainu of Japan (J. Batchelor, “The Ainu of Japan,” London, 1892, p. 16) ; some of the islanders of the Nicobar group (Waitz-Gerland, v. (Th. i.) 81) ; the Namaquas (Kohler, “Das Recht d. Hottentot-

The Tupis of Brazil call everyone who is not of their race by a term which signifies "barbarian," "savage," or "stranger";¹ and with this mode of speech Burton² compares the use of the "Hebrew Goyi (Gentile), the Hindu Mlenchla (mixed or impure breed), the Greek *βάρβαρος*, the Latin *Barbarus*,³ and the Chinese Fan Kwei (foreign devil)."

The tribes of the Congo⁴ and upper Benüe,⁵ and the Abipones⁶ regard every stranger as an enemy; and, among the Australian tribes, strangers look upon one another with the deadliest hatred.⁷ The heathen Gallas murder every stranger who is not under the protection of their chief;⁸ and it was said of the heathen Russians that it was death

ten;" "Zeits. f. vergl. Rechtsw.," xv. 337); and other Australian tribes (L. Fison and A. W. Howitt, "Kamilaroi and Kurnai," Melbourne, 1880, pp. 187, 275). As to the Kamchadales, see G. N. Steller "Beschreibung von d. Lande Kamtschatka," Frankfurt u. Leipzig, 1774, p. 3. According to R. H. Codrington ("The Melanesians," Oxford, 1891, p. 21); the natives in some of the Melanesian groups, when asked who they were, answered that they were men—that is to say, living men, not ghosts or demons. They took their visitors to be ghosts or spirits belonging to the sea. Cp. Man's (101) statement regarding the Andaman Islanders.

¹ Hans Stade, lxx.; cp. C. F. Ph. von Martius, 7. So, too, among the Chippeways, the word signifying "stranger" is used in the sense of "enemy" (W. H. Keating, "Narrative of an Expedition to the Source of the St. Peter's River . . . in the year 1823," London, 1825, i. 336). See below, sec. 41, note.

² Hans Stade, lxx.

³ Cp. Grimm, D. R.-A., 396.

⁴ Bastian, "Ein Besuch in San Salvador," 62.

⁵ A. F. Mockler-Ferryman, "Up the Niger," London, 1892, p. 85.

⁶ Dobritzshoffer, i. 63.

⁷ Curr, i. 64, 84. "There is no such thing as one tribe being in a constant, state of enmity with another so far as these central tribes are concerned" (Spencer and Gillen, 32). There is a great diversity of custom among Australian tribes; while at the same time they have much in common (*Id.* p. 34).

⁸ Krapf, 82: as to the Somali, see G. A. Haggenschmacker, "Reise in Somali-Lande," 1874 ("Ergänzungshaft, No. 47 zu Petermann's Geogr. Mitth."), Gotha, 1876, pp. 30, 31. The foreigner at Rome, unless under the protection of a patron, was beyond the pale of the law (Mommsen, "History of Rome," transl. Dickson, London, 1867, i. 165).

for a stranger to enter their country.¹ The Yahgan dares not go where he is a stranger or where he has no friends;² and Livingstone³ makes a statement to the same effect with regard to the Manyema. So, too, a western Eskimo will not undertake a distant journey among strangers unless in the company of those who can assure him of a welcome.⁴

The stranger is always feared; sometimes because he is thought to have a more powerful fetish, and, in that case, he may be killed or perhaps sacrificed to bring blessings on the land;⁵ and sometimes because he has the reputation of a sorcerer,⁶ or of being endowed with supernatural powers.⁷ Thus it is said of the Australian natives that "sorcery makes them fear and hate every man not of their own coterie, suspicious of every man not of their own tribe; it tends to keep them in small communities, and is the great bar to social progress."⁸ Maine⁹ observes of the stranger

¹ C. M. Frähn, "Ibn Foszlan's u. Anderer Araber Berichte über die Russen älterer Zeit," St. Petersburg, 1823, p. 51. "No Greek," says Cunningham ("An Essay on Western Civilisation in its Economic Aspects" (Ancient Times), Cambridge, 1898; p. 75; cp. B. W. Leist, "Civilistische Studien auf d. Gebiete dogmatischer Analyse," Jena, 1877, iv. 70 *seq.*), "was ever at home in another Greek city than his own; he was liable to be sold in a city in which he had no rights and no status." ² Bridges, trad. Hyades, 180.

³ "The Last Journals," London, 1874, ii. 70.

⁴ J. Simpson, 926. On the authority of Boas (6th Amer. Report of the Bureau of Ethnology, Washington) Kohler states that among the Innuits the stranger must engage in a fight with the tribesmen. If he be vanquished he may be killed; if successful, he is treated as a guest ("Die Rechte d. Urvölker Nordamerikas," "Zeit. f. vergl. Rechtsw.," xii. 363. It may be noted that, in New Guinea, a stranger from a hostile tribe can visit in safety villages where the clan of his totem is strong (A. C. Haddon, "Head-Hunters, Black, White, and Brown," London, 1901, pp. 103, 135).

⁵ Bastian, "Ein Besuch in San Salvador," 104.

⁶ Curr, i. 85.

⁷ Hyades et Deniker, 16.

⁸ Curr, i. 50.

⁹ "Ancient Law," fourth edition, London, 1870, p. 125; cp. W. W. Hunter, "Orissa," London, 1872, i. 175; Cadamosto, in "A General Collection of Voyages and Discoveries made by the Portuguese and the Spaniards during

that, if his aspect be strange, and his language unintelligible, if his culture be of a lower, or at least of an unfamiliar type, he is likely to be regarded as something less than human and more than brutish, as a monster, perhaps as a demon.

Sec. 19. The stranger is everywhere looked upon as a being without rights. Thus, according to old German law, he had no claim to participate in the peace or protection enjoyed by the district in which he found himself; nor had he a *wergild*.¹ To this conception is to be attributed the horror with which the ancients regarded exile,² and the misery of the outlaw's position.³ There was no place for the man who had lost or broken the ties which bound him to his family and his tribe. He must either perish of want, or find his death at the hands of his enemies.⁴ In Sumatra the outlawed spendthrift is sent forth as a deer to the woods, no longer to enjoy the privileges of society;⁵ and, in old Germany, the criminal, expelled from the companionship of his fellow-men, took his place with the beasts of the forest.⁶ It may be noted that the position of the

the 15th and 16th centuries," London, 1789, p. 58; J. Barbot, "A Description of the Coasts of North and South Guinea," in Churchhill's "Collection of Voyages and Travels," London, 1707-47, v. 79. See sec. 26 below.

¹ Grimm, D. R.-A., 397; K. Weinhold, "Altnordisches Leben," Berlin, 1856, p. 472. But see Wilda, 673, and the authorities cited in Goldschmidt, p. 120.

² R. v. Ihering, "Geist d. R. R.," 228; O. Schrader, "Handelsgeschichte und Warenkunde," Jena, 1886, p. 7.

³ Language supplies us with clear indications of the impression which the lot of the stranger and outcast made upon the mind of primitive man. Thus, the German "elend," the English "wretch," and a whole series of terms, which originally signified "the alien" or "the outcast," have come to mean "the miserable" or "the unfortunate" (Schrader, *loc. cit.*, 7; cp. Grimm, D. R.-A., 396 *seq.*).

⁴ Bridges, trad. Hyades, 177; Hyades et Deniker, 241 (Yahgans); Curr, i. 62; "Waitz-Gerland," vi. 794 (Natives of Australia). ⁵ Marsden, 207.

⁶ The middle Latin "wargus,"—*i.e.* "expulsus," is also the name of the wolf; and thus the two conceptions,—that of the wild beast to be hunted

homo sacer of Roman law¹ was very similar to that occupied by the outcast of the Vedas.² According to the old law of Iceland, the outlaw lost not only public but family rights. His property was confiscated, his house was burnt down, a price was set on his head, and whoever met him might kill him—was, indeed, by duty bound so to do. His wife, his children, and his relations were forbidden to communicate with him, or afford to him the slightest assistance.³

The same view is indicated by the usage, prevalent among many peoples, of punishing the thief only when he steals from a compatriot. Thus, it has been said that in Gaul "*latrocinia nullam habent infamiam quæ extra fines cujusque civitatis fiunt.*"⁴ Among the gipsies of Transylvania, a man may steal from the "white people" with impunity; but, if he steal from a fellow-tribesman, he is treated as a criminal.⁵ This distinction is recognised by the Fijians,⁶ the Batta,⁷ the Eskimo at Kotzebue Sound⁸ and near Cape Bathurst,⁹ the people of Ratak,¹⁰ the Mandingoes,¹¹ the Puenches,¹² and the Albanians;¹³ and, in Kunáma,

down, and that of the man to be treated as a wild beast,—are intimately associated (Wilda, 280; Grimm, D. R.-A., 733).

¹ R. von Ihering, "*Geist d. R. R.*," i. 281; B. W. Leist, "*Græco-Italische Rechts-Gesch.*," Jena, 1884, p. 319.

² H. Zimmer, "*Altindisches Leben*," Berlin, 1879, p. 185.

³ Wilda, 281-296.

⁴ Cæsar, "*De Bell. Gall.*," vi. 22.

⁵ Post, "*Grundriss*," i. 449, note 1, citing as his authority, Von Wlislocki, "*Von Wanderden Zigeunervölke*," 1890, p. 78. ⁶ Williams and Calvert, i. 127.

⁷ W. Marsden, "*The History of Sumatra*," London, 1783, pp. 299, 300.

⁸ Seemann, "*Narrative of the Voyage of H.M.S. Herald during the years 1845-51*," London, 1853, ii. 65; see, however, J. Simpson, 926.

⁹ Richardson, i. 352.

¹⁰ O. v. Kotzebue, "*A Voyage of Discovery into the South Sea and Behrings Straits in the years 1815-1818*," London, 1821, ii. 73.

¹¹ R. Caillié, "*Travels through Central Africa to Timbuctoo*," London, 1830, i. 353.

¹² Pöppig, i. 391.

¹³ A. Bastian, "*Die Rechtsverhältnisse bei Verschiedenen Völkern d. Erde*," Berlin, 1872, p. 228.

while pilfering is despised, the robbery of tribal enemies is held in honour.¹

A similar conception seems to have found expression in early customs relating to shipwrecked persons. Formerly, the natives of Fiji used to kill and devour even those of their own race who were cast ashore.² The Yahgans kill shipwrecked crews, partly because they mistrust all strangers, and partly from a desire to possess themselves of their goods without trouble or discussion;³ and, in its most rigorous form, the old law of wreck, which prevailed in many parts of Europe and elsewhere throughout the Middle Ages, not only effected the forfeiture of the goods of the castaway, but attached his person.⁴

Sec. 20. The conception that the stranger is an enemy is generally held most strongly by that portion of a population which lies farthest from its borders. Thus, while those of the Yahgans, who have no personal knowledge of the Ona, regard them with fear and hatred, those who are their immediate neighbours intermarry with them; and from

¹ W. Munzinger, "Ostafrikanische Studien," Schaffhausen, 1864, p. 384. On the Congo petty theft is regarded as worthy of a slave, open robbery as worthy of a great man (Waitz-Gerland, ii. 218; cp. G. W. Dasent, "The Story of Burnt Njal, . . ." Edinburgh, 1861, i. xxxiv.); and the Ossetes, a hospitable race, do not look upon robbery as a crime; "what a man finds on the highroad is God's gift" (Von Haxthausen, "Transcaucasia," London, 1854, pp. 398, 411).

² Williams and Calvert, i. 210; J. E. Erskine, "Journal of a Cruise among the Islands of the Western Pacific," London, 1853, p. 220, cp. p. 229.

³ Bridges, trad. Hyades, 180.

⁴ W. Roscher, "System d. Volkswirtschaft," 7te Aufl., Stuttgart, 1899, iii. 139, 141; cp. Hume, "Commentaries on the Law of Scotland respecting Crimes," fourth edition, Edinburgh, 1844, i. 485. See also W. Pappafava, "Über die Bürgerliche Rechtsstellung d. Fremden," übersetzt von Leesberg, Pola, 1884, p. 16. Among the Arabs, the wreck fell to the Emir, while the common people stripped the seamen and passengers (D'Arvieux, "Travels in Arabia, the Desert," second edition, London, 1723, pp. 191 *seq.*, cp. pp. 68 *seq.*). In Borneo, wrecks and their crews belong to the chief of the district where the disaster takes place (St. John, ii. 292). As to the New Zealander, see Polack, ii.

this intercourse has resulted a reciprocal knowledge of two languages, and a mutual assimilation of manners and modes of life.¹ So, too, Spencer and Gillen² speak of the Arunta, and the tribes in contact with them, as influencing one another in matters of usage.

IV.

Summary.

Sec. 21. In the preceding pages we have noted those characteristics of primitive man which appear to be relevant to the subject of our inquiry. Save that he is possessed of weapons and implements, he follows, in the main, the methods of the lower animals in procuring his daily food. In other words, he lives upon what he can kill or find, and does nothing to replace what he has consumed. It is obvious that, by pursuing such a mode of life, even a few per-

68. When a merchant died in a foreign land, it not infrequently happened that the king took all his property (Marco Polo, transl. and ed. by Col. Henry Yule, second edition, London, 1875, i. 112 (Hormuz); H. Yule, "Cathay and the Way Thither," London, 1866; (Hakluyt Society), ii. 292 (Central Asia)). In Cathay, however, the deceased's brother, if with him, or a comrade calling himself his brother, received his goods (*Id. ib.* See also "India in the Fifteenth Century . . . Account of the Journey of H. di Santo Stefano," London, 1857 (Hakluyt Society), p. 7); and a similar rule prevailed in Lesser Armenia (Yule, "Cathay," ii. 292, note), and in the case of a deceased hadjy (J. L. Burckhart, "Travels in Arabia," p. 290). Ibn Batuta ("Voyages . . . par C. Defrémeny et B. R. Sanguinetti," Paris, 1853-58, iv. 421) observes that, at Melli, in the Soudan, the successors of a deceased traveller obtained his property. They were not always so fortunate in Europe during the Middle Ages; see Goldschmidt, p. 121.

¹ Hyades et Deniker, 15; Humboldt ("Personal Narrative of Travels to the Equinoctial Regions of the New Continent during the years 1799-1804," transl. Williams, London, 1814, v. 270) observes of the American tribes between the Equator and the eighth degree of north latitude that their mutual mistrust is greatly intensified by the fact that they are broken up into little bands, each speaking its own language, which appears to be radically distinct from those spoken by its neighbours.

² P. 306.

sons would speedily exhaust the resources of any one spot ; and so we find that a population of rude hunters or fishermen scatters itself over a wide area in small family-groups.

The family-group varies in size and composition. It consists generally of one or two families. The men protect the women and children, and hunt for their support. The women procure food not only for themselves and their little ones, but for their masters ; and thus, by relieving them of the necessity of providing for the wants of the moment, enable them to follow the game in its migrations, and to employ, in pursuing it, methods which yield no immediate result. This association of the sexes tends to become a permanent association. Were it called into existence only or even mainly by the cravings of passing appetite, it would, in all likelihood, be dissolved so soon as they were gratified. It is brought about rather by the constant pressure of a common need,—the need of help in the struggle for life ; and it is just because this struggle is unceasing that the formation of alliances more or less permanent is essential to the survival of those engaged in it. The benefits derived from this union of forces are not confined to the men and women concerned, but extend to their children. It assures to the spouses the means of subsistence, to the offspring a measure of parental care. It need hardly be said that the relations of the members of the group *inter se* are not those of free persons, conscious of a common aim and seeking to realise it by common action. In the majority of the instances which we have considered, the woman is obtained in return for services rendered or in exchange for presents. Her inclinations are not consulted, and she is regarded and treated as a general drudge, owned by the man, just as he owns his weapons, his dogs, and his ornaments.

"She is my goods, my chattels ; she is my house,
My household stuff, my field, my barn,
My horse, my ox, my ass, my anything . . ."

Neither she nor her children have rights as against the husband and father, who is also their proprietor. Still, their interests in relation to the world beyond the group are identical with his ; and in his successful assertion of the rights, of which he alone is possessor, they find their existence secured.

Sec. 22. In every case which we have examined, we have found that the social feelings of the members of the family-group are confined in range. They are, as it were, effectively active only within a narrow circle, beyond the limits of which lies a hostile world, peopled by beings at once feared and hated. It is plainly impossible to lay down with any degree of precision the boundary-line where good-will ceases and enmity begins. Outside of the Yahgan family, the relations of man to man are said to be at the least doubtful ; while, in Australia, there subsists between the associated tribes a constant and, for the most part, a friendly intercourse. We can only say that the area throughout which the social feelings are operative is, in every case, more extensive than that of the family-group, and that its extent differs in different cases.

Sec. 23. The members of those related groups are very susceptible to the influence of the man who excels in strength or in wisdom or, it may be, in liberality. At the same time, they will accept his leadership, if at all, only for a limited period, and for a particular enterprise. But while they know nothing of control or coercion by a central authority, they submit without effort and without reflection to the guidance of custom. Custom is not so much the rule as the atmosphere of primitive life. The savage is

born into and brought up in it ; and he accepts it much as he accepts the light and air,—as matter of course,—without question and without explanation.

*οὐ γάρ τι νῦν γε κάχθές, ἀλλ' αἰεί ποτε
ζῇ ταῦτα, κοῦδεὶς οἶδεν ἐξ ὅτου 'φάνη.*

He is predisposed to follow the line of general conduct which it has approved, for his natural propensity is to imitate those with whom he is in touch. Besides, he is extraordinarily sensitive to the praise or blame of his fellows, and public opinion regards with extreme disfavour any divergence from the beaten track.¹ The tribesmen do not rest content with forming and expressing their views ; they support the man who conforms to custom, and break the man who persists in disregarding it ; they punish the thief and slay the murderer, or drive him across the border to certain death. Further, the observance of custom is not infrequently secured by religious sanctions.

Sec. 24. The members of the related groups join forces in hunting, in plundering, and in repelling a common enemy ; and they pay visits to one another, which are made the occasion of dances, revellings, and other amusements, and, especially, of an interchange of presents. The practice of making a present in the expectation of receiving a suitable return seems to be well-nigh universal ; and there are many instances in which a distinct understanding that an equivalent will be given prevails between donor and donee. It is true that some of the tribes to which we have referred are said to have no idea of commerce ; but it is to be observed that, in some cases, the accounts are conflicting, and that, in all cases, the allegation comes to little more than this,—

¹ See T. H. Huxley, " Evolution and Ethics : " " Collected Essays," London, 1894, ix. 28, 29.

that certain Europeans were unable to establish a traffic with certain savages. It may well be that refusal to trade is due, not to ignorance of trading, but to fear or suspicion or misunderstanding ; and, besides, a savage may be ready enough to trade with one of his own tribe, while he will decline to hold communication of any kind whatsoever with an unknown stranger.

Sec. 25. The association of groups forms for its members the world of possible existence, and in it the stranger has neither part nor place. It is not robbery to strip him of his goods, nor is it murder to kill him, for he is outside of the sphere within which alone rights are recognised and enforced. He is looked upon as a mortal enemy, whose life is a constant menace to the well-being of the community ; and, accordingly, it is a public duty, incumbent upon each and all, to hunt him down and slay him like a beast of prey.

This attitude of exclusiveness cannot, however, be permanently maintained except by a society which is wholly self-sufficing and wholly unprogressive. For so soon as men fail to find in the association to which they belong the satisfaction of their desires and the supply of their wants, they are compelled to go beyond it, and to enter into relations of some sort with the surrounding populations. To take all and give nothing is the line of action which naturally enough commends itself to the savage in his dealings with strangers. Still, a course of violence has its inconveniences ; it is uncertain in its results, it is dangerous in itself, and it involves dangerous consequences ; and, accordingly, many primitive peoples resort to a practice by means of which they can obtain, without the exercise of force, what they require from those who are strangers to them, and, therefore, their enemies.

II.—THE SILENT TRADE AND THE PRIMITIVE MARKET.

I.

The Silent Trade.

SEC. 26. Every reader of Scott will remember the use which he makes in “Kenilworth” of the legend of Wayland Smith. The smith, according to tradition, dwelt in former times in the midst of a heap of rude stones at the foot of White Horse Hill in Berkshire. No one ever saw him, but his services were easily obtainable by anyone who required a horse to be shod. It sufficed to leave it among the stones with a piece of money placed on one of them. After the lapse of a reasonable time, the horse was found shod, and the money gone.¹ Traces of this silent trade are

¹ Wayland Smith, “A Dissertation on a Tradition of the Middle Ages,” from the French of G. B. Depping and Francisque Michel, with additions by S. W. Singer, London, 1847, xxxv. A similar story regarding a legendary smith near Osnaburgh is still current in Lower Saxony (*Id. ib.* xlv.). The authors (p. lxviii.), quote a passage of the Scholiast on Apollonius Rhodius, iv. 761, regarding Hephaistos, which is in striking correspondence with the English legend:—‘Εν τῇ Λιπάρῃ καὶ Στρογγύλῃ . . . δοκεῖ ὁ Ἥφαιστος διατρίβειν· δι’ ὃ καὶ πυρὸς βρόμον ἀκούεσθαι καὶ ἦχον σφοδρόν. τὸ δὲ παλαιὸν ἐλέγετο, τὸν βουλόμενον ἀργὸν σίδηρον ἐπιφέρειν καὶ τὴν αὐρίον ἐλθόντα λαμβάνειν ἢ ξίφος ἢ εἴ τι ἄλλο ἤθελε κατασκευάσαι, καταβαλόντα μισθόν. They tell us also that some of the German traditions place the smith’s workshop in the Caucasus,—a country celebrated for the armour wrought by its people; and they say that “there is in these mountains an isolated community, consisting of about 1200 families, who excel in the fabrication of arms; they are called *Couvetchis*. They defend their territory against intruding strangers,

to be found in every quarter of the globe. In its simplest form, it is a transaction by way of exchange between persons who not only do not address, but do not see, one another. Thus, Ibn Batuta¹ informs us that he was told in Bolghar of a land of darkness, at a distance of forty days' journey, where, when the travellers have arrived, each of them lays down at a certain spot the wares which he has brought with him, and then retires. Next day he returns and finds placed opposite to his goods, sables, ermines, and other furs. If satisfied with what he finds, he takes it away. If not, he leaves it, and the inhabitants of the country add something more to it. Sometimes, however, the natives take back their goods, and leave those of the merchants. The latter do not know whether those with whom they deal are genii or men, for they never see them. Bakuwi² and Kazwini³ give a precisely similar account of the commerce between the inhabitants of Bolghar and tribes living on the banks of the Bielo Osero,⁴ Abulfeda,⁵

and only sell the products of their manufacture at a village situated at the extremity of their valley. . . . It is possible that the celebrity of these armourers had penetrated in the Middle Ages even into Europe, and that it gave rise to tales which may have been confounded with those the Scandinavians made regarding Weyland." We shall see that a connection such as is here suggested between a tribe which traffics only on its borders, and a legend which tells of a trade between persons unseen by one another, has a special interest in relation to the matter in hand.

¹ I. 401.

² "Notices et Extraits des Manuscrits de la Bibliothèque du Roi . . . Académie royale des Inscriptions et Belles-Lettres," Paris, 1789, ii. 543.

³ Quoted by Frähn, "Ibn Foszlân," 210. ⁴ See Frähn, *loc. cit.*, 205 *seq.*

⁵ Transl. by Reiske in Büsching's "Magasin f. die neue Historie u. Geographie," Hamburg, 1771, v. 359, thus:—"In Russorum Septentrione sunt illae gentes, quae per absentiam suam cum peregrinis mercantur. Quod si fieri narrat aliquis, qui eo iter instituit. Ait, eos esse finitimos litori maris septentrionalis. Quando itaque catervae itinerantium pervenerint ad ipsorum limites, tum subsistere, donec indigenae resciant. Dein mercatorem suam quemque mercem signo notato exponere in loco emtionis et venditionis noto atque destinato. Mercatoribus porro digressis ad diversoria sua, accedere illam gentem, et ponere . . . mustelarum

of a tribe on the shores of the Arctic Ocean, and Heberstein,¹ of tribes in the neighbourhood of the River Obi; while, according to Paulus Jovius,² the Lapps traded, "yet so that the flye the syght and ccompagnie of all merchantes. . . . They bargayne with simple fayth with absent and unknowen men." Massudi³ says that this method of exchange was practised in the remotest parts of Khorasan, and by merchants from Segelmessa in trading with a tribe which lived on the farther bank of a great river; Bakuwi⁴ speaks of it as in use by the inhabitants of the Belad al Tibri, a country about three months' journey from Segelmessa; and it was well known to the Arabs engaged in the salt trade with the blacks of the Gambia.⁵ The same story is told upon the authority of Arab traders of tribes on the Niger,⁶ and in Guinea,⁷ and of a nation near Wangara.⁸ In the instance last mentioned, the invisible

Scythicarum pelles et vulpium et alia similia, eaque omnia relinquere, et domum suam discedere. Tum redire mercetores, et eum quidem, cui placeat permutatio mercium, sumere Scythicas illas merces; cui vero non placeat, eum relinquere suas merces, donec tandem contenti uterque discedant et dirimantur."

¹ "Notes upon Russia: being a translation of the earliest account of that country, . . ." 1852, London, 1851-52 (Hakluyt Society), ii. 40.

² *Ib.*, ii. 255.

³ "Les Prairies d'Or," par Barbier de Maynard et Pavet de Courteille, Paris, 1861-67, iv. 92, 93.

⁴ "Notices et Extraits," ii. 394. He adds that the merchants announce their arrival and departure by beat of drum.

⁵ Barbot, "Churchhill's Voyages," v. 79. He says that "this way of trading lasts nine days successively, that they may have the more time to adjust the prices of the goods, in case the first tender of gold is not accepted of by the Moors." See also R. Jobson in Purchas, "His Pilgrims," London, 1625, ii. 1573, and a similar account at p. 872.

⁶ W. Winterbottom, "An Account of the Native Africans in the neighbourhood of Sierra Leone, . . ." London, 1803, i. 177; T. Shaw, "Travels or Observations relating to Barbary," in Pinkerton, xv. 467.

⁷ J. Windhus, "A Journey to Mequinez," in Pinkerton, xv. 422.

⁸ G. F. Lyon, "A Narrative of Travels in Northern Africa, in the years 1818-20," London, 1821, p. 149.

traders "are by many supposed to be devils, who are very fond of red cloth, the favourite article of exchange." The merchants of Morocco carried on trade by this method at a fixed point on the borders between their own country and that of the Blacks ;¹ and Cadamosto² tells us that the salt trade between the negro merchants of Melli and blacks who lived near "a certain water,"—probably the Niger,—was similarly conducted. A like mode of traffic was employed in the clove trade in some of the islands of the Indian Ocean ;³ and the Mambari told Livingstone's men, as they were approaching the sea-coast near Loanda, that, in trading with the white men, "the ivory is left on the shore in the evening, and next morning the seller finds a quantity of goods placed there in its stead."⁴ According to Philostratus,⁵ Apollonius found, at a place on the confines of Ethiopia and Egypt, gold and flax and ivory with many spices piled in heaps in a place where four ways met ; and the biographer adds that this custom survived in his own day, and was practised by Ethiopian and Egyptian merchants in exchanging their wares. This method of trading is said to be employed by the Kubus of Sumatra,⁶ and by the inhabitants of Buru, Ceram, and the largest island of

¹ G. Höst, "Nachrichten von Morokos u. Fez," Kopenhagen, 1781. p. 279. J. Gräberg von Hemsö ("Das Sultanat Mogh'rib ul Aksá," Stuttgart u. Tübingen, 1833, p. 103) makes the somewhat surprising statement that, if both parties are satisfied with the bargain, "so vereinen sich Mauren und Neger und reisen vierzehn Tage lang miteinander."

² P. 57.

³ Kazwini, *ap.* J. Gildemeister, "Scriptorum Arabum de rebus Indicis loci et opuscula," Bonnæ, 1838, Fasc. i. 202.

⁴ "Missionary Travels," 384.

⁵ "Apoll. Vit.," vi. 2.

⁶ Forbes, "A Naturalist's Wanderings," 235. See Mohnike, "Banka und Palembang," Münster, 1874, p. 196.

the Aru Archipelago.¹ Hardcastle² says of two shy mountain tribes of Guatemala that "they exchange dogs and a species of very sharp red pepper by leaving them on the top of the mountain and going to the spot in turn;" and, in regard to the Akka in the Upper Welle district of the Belgian Congo, Burrows³ writes as follows.—"On returning from a day's hunting the Pigmy carefully wraps up several small pieces of meat in grass or leaves, betakes himself to the nearest banana plantation, and having selected the bunches of bananas he requires, shins up the tree, cuts down the bananas selected, and in payment affixes one of the small packets of meat to the stem by a little wooden skewer." Again, we are told of Ceylon that "it was originally uninhabited by man, only demons, genii, and dragons dwelt there. Nevertheless merchants of other countries trafficked with them. When the season for traffic came the genii and demons appeared not, but set forward their precious commodities marked with the exact price; if these suited the merchants, they paid the price and took the goods."⁴ It cannot be doubted that Fa Hian is here referring to the Veddahs, of whom it is said that,

¹ Riedel, pp. 15, 128, 271. This practice has fallen into disuse at Buru and Ceram, but it is employed in dealing with the aborigines of Kola and Kobroor,—districts in the largest of the Aru islands. According to Riedel's account, the foreign merchants from Ternate and elsewhere lay down their goods in an appointed place, sound a gong, and retire. Then the shy natives bring their wares, and having placed them opposite the merchants' goods, sound the gong in their turn, and retire. The foreigners return, and, if satisfied with the native wares, take them away, leaving their own goods behind. The Ternate merchants call this transaction "potage tagali vuru,"—going to savages in order to barter,—in contrast to "potage tagali damaroi,"—barter in the ordinary fashion in the presence of both parties.

² "Historical Magazine and Notes and Queries," Boston, 1857-60, vi. 153.

³ "The Land of the Pigmies," p. 188.

⁴ "Pilgrimage of Fa Hian," from the French edition of the Foe Koui Ki of Remusat, Klaproth, and Landresse, Calcutta, 1848, p. 332.

when they want axes or arrows, they make models of them, and carrying these by night to the armourer's door, leave them with half a boar or stag. The armourer makes the articles required, and hangs them up where the flesh was laid; and the Veddah takes them away the following night.¹ Bell² tells us that the Smoos and Twakas,—tribes in the Mosquito territory,—have so much confidence in the honesty of traders that they frequently plant a peeled and painted stick in a conspicuous place at the mouth of a tributary river, and attach to the trees beside it bunches of plantains, baskets of maize, rolls of *toonoo* cloth and skins, each article having affixed to it a sample of what is wanted in return. "These were placed there in the expectation that the coast Indians passing by on the main river would make the required barter. After a while, if they are found to remain untouched, the river Indians bring the articles to the coast villages." Cartwright³ informs us that formerly the inhabitants of Bonavista in Newfoundland traded by laying goods in a certain place, to which the natives,—probably Eskimo,—resorted, took what they were in want of, and left furs in return. Of some of the mountaineers of Madura, Markham⁴ says that they "occasionally trade with the country people, who place cotton or grain on some stone, and the wild creatures, as soon as the strangers are out of sight, take them and put honey in their place, but they will allow no one to come near them." Again, Humboldt,⁵ in speaking

¹ Ribeyro, "Histoire de l'isle de Ceylon," Amsterdam, 1701, p. 179. See also Knox, 62; Tennant, i. 592. Bailey (p. 285) says that the practice is not now in use.

² "Tangweera," London, 1899, p. 267.

³ "A Journal of Transactions on the Coast of Labrador," London, 1792, i. 6.

⁴ "Travels in Peru and India," London, 1862, p. 404.

⁵ "Essai politique sur le royaume de le Nouvelle Espagne," Paris, 1808, i. 304.

of the province of New Mexico, quotes from the diary of a Bishop Tamaron a description of a similar mode of traffic. According to his account, the natives of the Rio del Norte, in seeking to trade with the whites, often come unseen and plant along the road leading from Chihuahua to Santa Fe little crosses, to each of which they attach a leathern bag and a small piece of venison. At the foot of the cross is spread a buffalo skin. By these signs the native indicates that he wishes to trade by way of barter with the followers of the Cross. He offers a skin in exchange for food, the amount of which he does not specify. The soldiers of the *presidios*, who understand this language of signs, take the skins and leave some salted meat in exchange. Again, Bastian¹ tells us that a rude people of the Andes entered into relations with him by laying down freshly gathered bananas near his camp. He found them there in the morning, and at evening left a suitable return.

Sec. 27. A slightly different form of this silent trade, in which the parties are not necessarily unseen by one another, is described by Herodotus² as employed by the Carthagenians in their dealings with an African people beyond the Pillars of Hercules. When the former arrive "forwith they unlade their wares, and having transposed them after an orderly fashion along the beach, leave them, and returning aboard their ships, raise a great smoke. The natives, when they see the smoke come down to the shore, and, laying out to view so much gold as they think the worth of the wares, withdraw to a distance. The Carthagenians upon this come ashore and look. If they

¹ "Ein Besuch in San Salvador," p. 209.

² II. 196, transl. Rawlinson. E. H. Bunbury ("History of Ancient Geography," London, 1879, i. 289) observes that this people must have lived to the south of the Sahara, as little gold is found to the north of it.

think the gold enough, they take it and go their way ; but if it does not seem to them sufficient, they go aboard ship once more and wait patiently. Then the others approach and add to their gold till the Carthagenians are content. Neither party deals unfairly by the other." Very similar accounts are given of the natives near Cape Blanco,¹ of the Chukchi in their dealings with the Eskimo of St. Lawrence Island² and near Kotzebue Sound,³ of the North German merchants in their early trading with the inhabitants of Livonia,⁴ of the Abyssinians in their intercourse with the tribes to the southward,⁵ and of the merchants of Ceylon

¹ Claude Jannequin, "Voyage de Lybia au royaume de Senega, le long du Niger," Paris, 1643, p. 44.

² A. Bastian, "Geographische u. Ethnologische Bilder," Jena, 1873, p. 341 ; G. F. Müller ("Sammlung Russischer Geschichte," St. Peterburg, 1732-64, iii. 6), in describing a Russian voyage of the year 1646 A.D., says that the voyagers being afraid to trust themselves among the Chukchi, traded with them in the manner described above. ³ O. von Kotzebue, i. 228.

⁴ J. Falke, "Die Geschichte d. deutschen Handels," Leipzig, 1859, i. 277.

⁵ Cosmas, "Christian Topography," London, 1897 (Hakluyt Society). pp. 52, 53. He tells us that the King of the Abyssinians sent messengers every other year to the inhabitants of Sasu to bargain for gold. The messengers were accompanied by many traders,—upwards of five hundred in number,—bound on the same errand as themselves. When they reached their destination they formed an encampment, which they fenced round with a great hedge of thorns. On the top of these thorns they laid their wares. The natives brought gold in nuggets, and if one of them saw an article which pleased him he laid one or two of the nuggets upon it. The bargaining then proceeded in the manner described by Herodotus. Sasu lay in the south-eastern part of the Somali peninsula, near the coast, and only 5° to the north of the equator (see M'Crindle's notes to "Cosmas," pp. 50 and 63). Ritter (Die Erdkunde, 2te Aufl., Berlin, 1848, Th. xiv. 400) places it near Zanzibar. According to Heeren ("Historical Researches into the Politics, Intercourse, and Trade of the Carthagenians, Ethiopians, and Egyptians," Oxford, 1832, i. 330), it was situated on the coast between Babelmandeb and Cape Guardafui ; and, according to Yule ("Cathay," i. clxxxi, note), towards the centre of the continent, and south-west from Abyssinia. No doubt Cosmas speaks of it as not far from the ocean, but he supposed that the ocean cut across Africa somewhere about the equator (*Id. ib.* cp. "Cosmas," p. 65, and Dr. Glaser's explanation, p. 63, note ¹).

when trafficking with the Seres.¹ It is said of the natives of the southern end of Timor, that they seldom exchange words with those with whom they trade. When the prows arrive off the coast, the merchants land on the beach the articles they have for barter in small quantities at a time. The natives immediately come down with the produce they have for sale, and place it opposite the goods from the prows, pointing to the articles or description of articles they want to obtain in exchange. The trader then makes an offer, generally very small at first, which he increases by degrees. If he hesitate a moment about adding more to it, the native accepts it as sufficient, snatches it up, and darts off with it into the jungle, leaving his own goods. If he consider it too little, he seizes up his own property, and flies off with it in equal haste, never returning a second time to the same person.² A very

¹ Pliny, "H. N." vi. 24. He describes the people as having fair hair and blue eyes; and in Lassen's opinion ("Indische Alterthumskunde," Leipzig, 1858, iii. 86), this description applies, if Chinese accounts are to be credited, to the Usun, a people of inner Asia. See also Humboldt, "Asie Centrale," Paris, 1843, i. 393; Yule, "Cathay," i., clvii. It is somewhat remarkable that traders from Ceylon should give this account of the Seres' mode of exchange without mentioning that there were tribes within their own country which practised a very similar method (see above, sec. 26). See also J. W. M'Crindle, "The Commerce and Navigation of the Erythræan Sea: being a translation of the 'Periplus Maris Erythræi,' . . ." Calcutta, 1879, cap. 65, where an annual fair held on the confines of "Thînai" is described. It was attended by the Sêsatai, with whom trading was carried on by methods somewhat resembling those of the silent trade.

² J. H. Moore, "Short Account of Timor, &c.," in Appdx. to "Notices of the Indian Archipelago," Singapore, 1837, p. 8. G. W. Earl ("Papuan," London, 1853, p. 182) says that the more general method is for the traders to remain on board their prows, which are anchored close to the land, and push their goods on shore in a small canoe, to which a line is attached for the purpose of hauling it back when the goods have been removed, and the articles given in exchange have been deposited in their stead. Hans Stade (p. 88) tells us that the natives of Brazil traded with the Portuguese in a somewhat

similar account is given of the method of trading practised by the Makuas in the neighbourhood of Mozambique.¹ In Fernando Po, a line is drawn upon the sand between the trading parties. Yams, &c., are laid on one side of the line, and beads or tobacco or whatever it may be on the other. If the Booby be satisfied with the trader's articles, he steps across the line and takes them, leaving the trader to take his yams.² Smith³ says that a similar custom exists on the banks of the River Niger, and his statement is borne out by that of Ibn-al-Wardī.⁴ The latter, in speaking of tribes near that river, tells us that the merchants, on arriving at the spot where the trade takes place, drew a line. On the one side of it the natives laid down their gold, and on the other side the merchants set out their wares. Both parties withdrew and did not return until the next morning. If the merchants were content with the amount of gold offered, they took it away; but if they delayed too long, the natives took up their gold, burned the merchants' goods, and killed all who opposed them.

Sec. 28. In some cases, the traffic is carried on through

similar fashion. Two or three of the natives "arrive in a canoe and deliver the goods to them at the greatest possible distance. Then they declare what they want in return, which is given to them by the Portuguese. But whilst the two are near the ship, a number of full canoes keep in the offing to look on, and when the trading is completed, the savages oftentimes approach alongside, and skirmish with the Portuguese, and shoot arrows at them, after which they again paddle away."

¹ M. Thomans, "Reise-und Lebensbeschreibung," Augsburg, 1788, p. 119. He says that they understand neither Portuguese nor the language of the district. They deposit their ivory before a merchant's house. He comes out and lays down what he is ready to give for it. If the Makua does not take the goods, it is a sign that he desires more. Accordingly the merchant must add something, and the Makua, as soon as he is satisfied, takes the goods, and runs off as fast as if he had stolen them.

² J. Smith, "Trade and Travels in the Gulph of Guinea," London, 1851, p. 203, 204.

³ *Id.*, p. 204.

⁴ Notices et Extraits, ii. 36.

a middle-man.¹ Thus, Lander² says that, on halting at a town on the lower Niger in order to purchase yams, he was brought to the canoes by the townsmen. They were armed, as were his own men, and had among them an old woman who appeared to be a person of consequence. She directed the yams to be placed in separate bundles, and the owner to retire to a short distance. The purchaser selected a bundle, and placed beside it what he considered to be the equivalent in cloth, flints, &c. The old woman, if she considered the equivalent sufficient, gave it to the owner of the bundle, which was taken by the purchaser. If she thought it insufficient, she allowed the purchaser an opportunity of adding something. If the purchaser did not add anything, she directed the owner to remove his goods, and to leave what had been offered for them. All this was done by means of signs, not a word passing between the parties. The Abbé Grosier³ says of the natives of Hai-nan,⁴ that twice a-year they exposed in an appointed place gold and other articles. A deputy was sent by them to the frontiers to examine the commodities of the Chinese, "whose principal traders repaired to the place of exchange . . .; and after the Chinese wares were delivered, they put into their hands with the greatest fidelity what they had agreed for." Speaking of the Aleuts, Dall⁵ says that they "never transact business with each other personally, but always through a third person. . . . Whoever wishes to sell anything, sends it by this

¹ See below, sec. 35.

² "Journal of an Expedition to Explore the Course and Termination of the Niger," London, 1832, iii. 161-63.

³ "A General Description of China," transl. from the French, London, 1788, p. 108.

⁴ *I.e.*, The Les, of whom an account is given by R. C. Henry, Ling-nam, London, 1886.

⁵ P. 394.

agent into another house (yourt) particularly if strangers are present. The agent, on coming into the house, says 'Here is the *tayák*' (saleable object), without mentioning the owner. The buyer looks at the object, asks what is wanted in return, keeps the article, and sends as much as he likes of the article required in return. The agent takes this to the seller, and if he is satisfied, the bargain is concluded ; if not, he proposes a new exchange, or an additional quantity of tobacco or other ware, to boot. If the buyer does not agree he returns the article, and some one else makes an offer. They never bid over one another, and, however long the barter may last, the buyer and seller never know each other's names. This custom of buying and selling among the Aleuts is of great age, and has been preserved without change." Anyone who wishes to trade with the Puelches, goes straight to the cacique, to whom he presents himself without speaking. The cacique, after some words of greeting, inquires what present has been brought for him, and the trader tells him. He is lodged by the cacique, and is welcomed by the royal wives and children, who beg for small presents, and these he must give. The cacique informs his subjects by sound of trumpet that a merchant has arrived. They come and inspect his wares, and having agreed on the number of cattle to be given in exchange, carry off the goods, so that the merchant gives up his property without seeing any one of his debtors. When he wishes to depart, a trumpet is sounded, and an order given that payment is to be made. Each purchaser brings the animals which he has agreed to give, and provides men to drive them to the frontier.¹

¹ Frezier, "Relation du Voyage de la Mer du Sud, 1712-14," Amsterdam, 1717, i. 128. .

Sec. 29. Lastly, there are instances in which a religious element enters into the practice. Thus, in writing of the influence of the fetish religions on the West African, Miss Kingsley¹ says that, when walking along a bush path, far from human habitation, "you" will "notice a little cleared space by the side of the path; it is neatly laid with plantain leaves, and on it are various little articles for sale—leaf tobacco, a few yams, and so on—and beside each article are so many stones, beans, or cowries, which indicate the price of each article; and you will see either sitting in the middle of the things, or swinging by a piece of tie-tie from a branch above, Egba, or a relation of his—the market god—who will visit with death any theft from that shop, or any cheating in price given, or any taking away of sums left by previous customers." Again, we are told by Theophrastus² that frankincense and myrrh were brought from all quarters to the temple of the sun,—the most holy place of the Sabæans,—and were guarded there by armed Arabs. Each owner set out his heap with a tablet above it on which were stated the quantity and the price. The merchants who came to buy laid down the price in place of these wares. Then came the priest and took one-third part of the price

¹ "African Religion and Law," in the *National Review*, 1897, p. 134.

² Hist. Plant., ix. 4; see also Pliny, H. N., xii. 33; Cosmas (pp. 51, 63, note 1) tells us that there was a trade between Barbaria,—a part of the Somali Peninsula, lying towards the Indian Ocean,—and the Homerites,—i.e., the Sabæans (see A. H. Keane, "The Gold of Ophir," London, 1901, p. 72). To the south of Barbaria lay the land of Sasu, and there the silent trade was practised (see above, sec. 27). Accordingly, it seems not unlikely that the Sabæans had some knowledge of this mode of traffic, derived from their dealings with African tribes. If so, it may be as Sigismund ("Die Aromata in ihrer Bedeutung für Religion, Sitten, Gebräuche, Handel, u. Geographie d. Alterthums," Leipzig, 1884, p. 159) suggests, that Theophrastus, relying on the statements of merchants who wished to conceal the name of the country with which they traded (see Keane, p. 129), has transplanted an African form of trade to Arabian soil.

for the god ; and what was left remained in safety until the sellers came and took it.

II.

The Primitive Market.

Sec. 30. Between the primitive commercial methods, which we have been considering, and the usages of the primitive market, there is, in many cases, a striking similarity. Sometimes the business of the market is transacted without a word being spoken. It was in silence that the Indian women exchanged their wares in some of the Mexican markets. The would-be seller held out the articles, of which she wished to dispose, to the customer. The latter, if she thought that they suited her, took them in her hand, and, by making it appear that they were too few or too small, induced the seller to add something more. Thus they haggled with one another until the customer was satisfied ; and, in that case, she took away what was offered and left her own wares in exchange. But, if the seller refused to give more, the purchaser took her goods elsewhere.¹

¹ J. de Torquemada, "Monarchia Indiana," Madrid, 1723, xiv. 23. In this connection we may quote Wilkes' (iii. 300-01) description of the market at Somu-Somu, in the Fiji group. It "is held on a certain day in the square, where each deposits in a large heap what goods and wares he may have. Any one may then go and select from it what he wishes, and carry it away to his own heap ; the other then has the privilege of going to the heap of the former and selecting what he considers to be an equivalent. This is all conducted without noise or confusion. If any disagreement takes place, the chief is there to settle it ; but this is said rarely to happen." We may also note a form of trading which Burckhart (Arabia, 191) describes as prevailing at Mecca. "Dealers when bargaining in the presence of others from whom they wish to conceal their business, join their right hands under cover of the gown or sleeve of one of the parties ; by touching the different joints of the fingers they note the numerals, and thus silently conclude their bargain." The same practice prevailed at Calicut ("The Travels of Varthema," London, 1863 (Hakluyt Society), p. 108), and Goa (Pyrard de Laval, "Voyage to the East Indies, . . ." Lon-

Very frequently those feelings of mistrust and suspicion, which form one of the most salient features of the silent trade, are found to be prevalent. Thus Simpson¹ tells us that "the conduct of the Point Barrow people in their intercourse with those of the Mackenzie, or rather Demarcation Point, seems to be very wary, as if they constantly keep in mind that they were the weaker party, and in the country of strangers. They describe themselves as taking up a position opposite the place of barter on a small island to which they can retreat on any alarm, and cautiously advance from it making signs of friendship. They say that great distrust was formerly manifested on both sides by the way in which goods were snatched and concealed when a bargain was made; but in later years more women go, and they have dancing and amusements, though they never remain long enough to sleep there." The same suspicious friendliness appears to exist at the fair at Wairuku, in the Sandwich Islands. According to Ellis'² account, the natives from the southern part of the island ranged their goods on the south bank of a ravine, while those from the northern part ranged their goods on the north bank. "From bank to bank the traders shouted to each other and arranged the preliminaries of their bargains. From them the articles were taken down to" a "rock in the midst of the stream. . . . Here they were examined by the parties

don, 1887-90 (Hakluyt Society), ii. 178), among the Somali (Haggenmacher, 37), and at Pegu (Cæsar Frederick, in Kerr's "Collection of Voyages," Edinburgh, 1812, vii. 198), and in many other places. (In the notes to Varthema and Pyrard de Laval, *ubi cit.*, the practice is said to exist in many parts of India (Tavernier, Pt. ii., Bk. ii., c. xi.), at the market of Baso in Abyssinia (Beke, "Letters on the Commerce and Politics of Abyssinia," p. 19), and in Tartary (Huc's "Travels," ch. v.); and in explanation of it, reference is made to Tylor, "Primitive Culture," i. 246).

¹ P. 936.

² "Polyn. Researches," iv. 325.

immediately concerned in the presence of the" king's "collectors, who stood on each side of the rock, and were the general arbiters in the event of any dispute arising. To them was committed the preservation of good order during the fair, and they, of course, received a suitable remuneration from the different parties."

Sec. 31. We have seen that it was, in general, at a spot within the border-land between two or more tribes, that the silent trade, in its simplest form, at all events, was carried on; and, in very many cases, it was at just such a spot that the primitive market was held.¹ It was the interest of those who frequented it to treat one another as friends so long as it lasted; and it seems only natural that those places, where such a friendly intercourse was repeated season after season, should, in course of time, become impressed with the character of neutrality. In general, those who attend old-established and thriving markets have little cause of apprehending danger to life or property. Thus, the large fairs at different points on the lower Niger are regarded as neutral ground, whatever wars

¹ In British New Guinea "women from different villages or districts meet at appointed places, usually at the boundary between two tribes, and there barter their specialties for commodities from other localities. The bartering is done by women only, but they are accompanied by a few armed men, who, however, do not go amongst the market women but stand a little way off. The men bring a drum with them which is beaten at the opening and close of the market" (Haddon, p. 269). It may be noted that the most important of the Italian fairs was held on the boundary which separated the Etruscan from the Sabine lands,—at Soracte, in the grove of Feronia (Mommsen, i. 203). Cunningham ("The Growth of English Industry, . . ." p. 76) observes that, even when each village was hostile to every other, "the advantages of trade were so clearly felt that the boundary place between two or more townships came to be recognised as a neutral territory where men might occasionally meet for their mutual benefit, if not on friendly terms, at least without hostility. The boundary stone was the predecessor of the market cross, and the neutral area round it the market-place."

may be in the land ;¹ and at the markets on the Congo, usually held at a spot equidistant from several villages, the natives meet without fear of violence.² So, too, at the great market at Prairie du Chien, hostile tribesmen were obliged to abstain from all unfriendly acts ;³ and similar accounts are given of the markets of Berbera⁴ and Mogelo,⁵ and of those among the Kabyles.⁶

Sec. 32. We have already seen⁷ that there are many instances in which the border-land is considered to be holy ground ; and it appears to follow that the neutrality of a market held within it will be secured not only by the interest, which those who frequent it have in attracting commerce, but by their firm conviction that, by breaking the market-peace, they will incur the divine displeasure in the form of disaster or disease or death.⁸ We know that markets, held on the boundaries between the territories of certain Greek States, were under the protection of *θεοὶ ἀγοραῖοι* ;⁹ and that Hermes-Mercurius was the guardian

¹ W. Allen and T. R. H. Thomson, "Narrative of Expedition sent to the River Niger in 1841," London, 1848, i. 398.

² Bastian, "Ein Besuch in Salvador," 116.

³ Carver, "Travels through the Interior Parts of North America in the years 1766-68," London, 1778, p. 99

⁴ Haggenmacher, 37 ; see also Burton, "First Footsteps," 409.

⁵ Munzinger, O. S., 519.

⁶ Hamoteau et Letourneaux, ii. 81.

⁷ See above, sec. 17.

⁸ In much the same way self-interest combined with religion seems to have made the Red Pipe Stone Quarry, on the ridge between St. Peter's River and the Missouri, neutral ground. The necessity of procuring the red stone of which the natives made their pipes "introduced a certain law of nations by which the banks of the creek are sacred" (Lewis and Clarke, i. 66) ; and Catlin (ii. 167 ; cp. i. 31, ii. 160) observes that the spot was "a neutral ground under the sanction of the vengeance of the Great Spirit." Cp. Carver, p. 99. See Mommsen and Cunningham as cited above (p. 56, note) ; and Goldschmidt, p. 24. See also G. Grote, "A History of Greece," fourth edition, London, 1872, iii. 294, and note ², as to the place held by commerce at the great festivals.

⁹ Schrader, *Handelsgeschichte u. Warenkunde*, 35.

of merchants.¹ In West Africa we find a market-god who punishes the thief and the cheat;² and we are informed by Cæsar that the Gauls worshipped Mercury,—worshipped a god, that is to say, possessing attributes similar to those of Mercury.³

Sec. 33. We have seen that the spot upon which the market was held was regarded as neutral, and, in some cases, as sacred. Security of life and property is not, however, a privilege attached only to some special locality; it is frequently enjoyed by persons while on their way to trade or while engaged in trading. Thus Livingstone,⁴ in speaking of the markets upon the River Lualaba, says that “when men of the district are at war, the women take their goods to market and are never molested;” and Thomson⁵ observes that though the Masai and Wa-kikuyu “are eternally at war to the knife with each other, there is a compact between them not to molest the women-folk of either party. Hence the curious spectacle is exhibited of Masai women wending their way with impunity to a Kikuyu village, while their relatives are probably engaged in a deadly conflict close at hand.” Among the Rifis, the market, with the roads leading to it, is regarded as safe from the exercise of private vengeance;⁶ and, among the Batta, all hostilities are suspended on the occasion of their markets. “Each man, who possesses one, carries his musket with a green bough in the muzzle as a token of

¹ *Id. ib.* 107; the reason being, according to Lubbock (p. 303. See above, sec. 17), that merchants transacted their business on the border-land, where his symbols stood.

² See above, sec. 29.

³ “Deum maxime Mercurium colunt, hujus sunt plurima simulacra, hunc omnium inventorem artium ferunt, hunc viarum et itinerum ducem, hunc ad quæstus pecuniæ mercaturasque habere vim maximam arbitrantur” (“De Bell. Gall.,” vi. 17). See Schrader, “Handelsgeschichte u. Warenkunde,” 108-110.

⁴ “Last Journals,” ii. 56.

⁵ Pp. 177, 178; cp. p. 93.

⁶ B. Meakin, “The Moors,” London, 1902, p. 402.

peace, and afterwards when he comes to the spot, following the example of the director or manager of the fair, discharges the loading into a mound of earth, in which, before his departure, he searches for his ball.”¹ Again, it is said of the tribes of British Guiana that each has some peculiar manufacture. Its members, from time to time, visit other tribes, which are often hostile, for the purpose of exchanging the products of their own labour for such as are produced by the peoples visited, and they are allowed to pass unmolested through the enemy’s country.²

Sec. 34. Sometimes this neutrality takes the form of a truce, which is ended so soon as the barter is completed. This practice is known on the Mosquito Coast.³ In the Sagas of the Norse Kings,⁴ we are told that, when the voyagers came to Biarmaland,—the coasts of the White Sea,—they went to the market town; and, when the fair was over, “they went out of the Vina river, and then the truce with the country people was also at an end.” The natives of Brazil lay aside their weapons while transacting with one another; and, when the trading is done, seize them again at one and the same moment;—the fact that the trade is over being indicated by the frequent repetition of certain words.⁵ So, too, Polack⁶ says of the New Zealanders that tribesmen at war will respect a truce, and will, while it lasts, trade with one another,—sometimes even

¹ Marsden, 308.

² Im Thurn, 271.

³ Bancroft, i. 723.

⁴ Laing and Anderson, “The Heimskringla, or the Sagas of the Norse Kings,” from the Icelandic of Snorri Sturlason, London, 1889, iii. 92.

⁵ C. F. Ph. v. Martius, 44; cp. Stade, 88; and the curious story told by Angas (ii. 61, 62; cp. Curr, i. 78). He says that, during the course of a fight between the tribes of Waikato and the inhabitants of Taranaki, a vessel arrived on the coast. The combatants at once arranged a truce, and engaged in trading with the stranger until his departure, when they at once resumed hostilities.

⁶ “New Zealand, being a Narrative of Travels and Adventures,” London, 1838, ii. 313.

in muskets. Again, at Guzzula,—a mountainous region to the south of the Atlas,—there prevailed continuous war amongst the tribesmen, except on three days of the week, when they kept truce. While it lasted, every man could bargain in safety with his enemy or travel whither he would.¹ The most remarkable instance known to us is that of the people of the Riff, given by Cotte.² They were engaged in besieging a fort held by a Spanish garrison. Every day they brought fruits and vegetables, and set them down in front of the gates. The soldiers came out of the fort unarmed, mixed with the mountaineers on the most friendly terms, and purchased what provisions they required. At a fixed hour a bell was sounded, the trade ceased, and the truce was at an end. The Spaniards re-entered the fort, the gates were closed, the mountaineers pocketed their gains, took their rifles from the bushes, and recommenced the siege.

Sec. 35. Maine³ makes the statement that those who frequented neutral spots for the purposes of trade were “doubtless at first persons specially empowered to exchange the produce and manufactures of one little village community for those of another.” Unfortunately he does not refer us to the evidence upon which he relies.⁴ We have

¹ Leo Africanus, “The History and Description of Africa,” transl. by John Pory, London, 1896 (Hakluyt Society), ii. 282.

² “Moeurs politiques et sociales du Maroc; l’Administration, . . . les Pirates du Riff,” *Revue Contemporaine*, Paris, 15th Dec., 1857, pp. 29, 30.

³ “Village Communities,” new edition, London, 1890, p. 193.

⁴ He points out that there were three ideas associated with the primitive market—that of being situated within a borderland, that of being neutral ground, and that of being the home of sharp practice. These three ideas seem all blended in the attributes of the God Hermes or Mercury—at once the God of boundaries, the prince of messengers and ambassadors, and the patron of trade, cheating, and lies.” See Lord Avebury, p. 319, and Schrader, “*Handelsgeschichte und Warenkunde*,” pp. 97-110.

noted above¹ several instances in which the silent trade is carried on through the medium of a third person ; and we have been taught by the history of commerce to recognise, as a familiar figure, the merchant who not only pursues his own calling, but at the same time discharges the duties of

¹ See above, sec. 28. Taplin (in J. D. Woods' "The Native Tribes of South Australia," p. 32 *seq.*) says, in his account of the Narrinyeri, that "there appears to have existed a sort of traffic between the tribes on the Murray and those near the sea, and a curious sort of provision is made for it, the object of which may be the securing of perfectly trustworthy agents to transact the business of the tribes—agents who will not by collusion cheat their employers and enrich themselves. The way in which this provision is made is as follows:—When a man has a child born to him, he preserves its umbilical cord by tying it up in the middle of a bunch of feathers. This is called a kalduke. He then gives this to the father of child or children belonging to another tribe, and those children are thereafter ngia-ngiampe to the child from whom the kalduke was procured, and that child is ngia-ngiampe to them. From that time none of the children of the man to whom the kalduke was given may speak to their ngia-ngiampe or even touch or go near him ; neither must he speak to them. . . . When two individuals who are in this position with regard to each other have arrived at adult age, they become the agents through which their respective tribes carry on barter. For instance, a Mundoo blackfellow, who had a ngia-ngiampe belonging to a tribe a little up the Murray would be supplied with the particular articles . . . manufactured by the Mundoo tribes to carry to his ngia-ngiampe, who, in exchange, would send the things made by his tribe. . . . The estrangement of the ngia-ngiampes seems to answer two purposes. It gives security to the tribes that there will be no collusion between their agents for their private advantage, and also compels the two always to conduct the business through third parties. . . . I think it probable that the custom may have arisen from this circumstance. The natives never marry into their own lakalinyeri or tribe. Nevertheless it often happens that those who belong to different lakalinyeris are too nearly related to be allowed to marry. Frequently, but not always, in such cases, the custom of ngia-ngiampe is observed." We learn from the same authority (in Curr, ii. 254) that, "if one ngia-ngiampe sees another in need of anything, he or she must send a supply of it if possible ; but yet there must never be any direct personal intercourse between the two. . . . The children who are thus estranged from each other may belong to the same clan or to another clan ; this is a matter of indifference." It may be observed that the Narrinyeri are divided into eighteen clans, of which each has a tribal symbol,—a totem, consisting of some animal or vegetable, —that the members of a clan regard one another as kinsmen, and that the members of the same clan do not intermarry (*Id. ib.* pp. 244, 245). It seems

an envoy. And so it may be that, in some cases at any rate, the inviolability of the ambassador was originally the privilege of the middle-man.¹

III.

Comment.

Sec. 36. An eminent writer² on economics explains the curious practice of the silent trade by the analogy

plain that this mode of trading is not connected with the silent trade. See below, sec. 37. E. Crawley ("The Mystic Rose, a Study of Primitive Marriage," London, 1902, pp. 252, 257, 263, 391) explains the usage of ngiangiampe by the custom of tabu—an explanation which he also applies to such tribal institutions as hospitality, blood-brotherhood, &c. (p. 239). It is with the effects rather than with the origins of such institutions that we are at present concerned. See below, sec. 43.

¹ Among the Basutos the person of the messenger is sacred (Casalis, 224); and, according to Curr (i. 149), "every tribe in Australia has its messenger, whose life, while he is in performance of his duties, is held sacred by the neighbouring tribes." Among the Arunta, he must carry his emblem of office, —the churinga,—a sacred staff (Spencer and Gillen, 141). The insignia of ambassadors are respected in Polynesia (Cook and King, ii. 64, 66, 69; Vincendon-Dumoulin et C. Desgraz, "Iles Marquises ou Noukahiva," Paris, 1843, p. 256), in Guinea (Waitz-Gerland, ii. 164), and among the Kaffir peoples (*Id. ib.* 399). It is otherwise in New Zealand unless the envoy be related to the tribe to which he is sent (Polack, ii. 20). Among the Brazilian tribes foreign messengers, even if they have been received as guests, may experience bad treatment, especially if they are bringers of evil tidings (C. F. Ph. von Martius, 47). Whether, in former times, ambassadors were regarded by the northern tribes of North America as inviolable is a question regarding which authorities differ (see Waitz-Gerland, iii. 154). It may be noted that the Mexicans looked upon the person of the envoy as sacred (Herrera, ii. 248); and that in Tezcuco the killing of a messenger was a just cause of war (*Id. ib.* iii. 317).

² Roscher, iii. 140. He discusses the practice, but his observations are very brief, and are, we venture to think, based upon insufficient evidence. See also M. Kulischer, "Der Handel auf den primitiven Culturstufen," "Zeits. f. Völkerpsychologie u. Sprachwissenschaft," Berlin, 1878, x. 378 *seq.*; C. Koehne, "Markt- Kaufmanns- und Handelsrecht in primitiven Culturverhältnissen," "Zeits. f. vergl. Rechtswissenschaft," xi. 196; K. Andree, "Geographie d. Welthandels," 2te Aufl., Stuttgart, 1877; and Ch. Letourneau, "L'Evolution du Commerce," Paris, 1897.

of the modern merchant who finds himself in a country, with the language of which he is unacquainted. Such an one is forced to conduct his business by means of signs, and yet he is seldom cheated. Cosmas¹ attributes the adoption of the method by the Abyssinian traders to the fact that they did not understand the speech of those with whom they were dealing, and that interpreters were hard to be found ; and Lander² observes that "it must have arisen either from fear of quarrelling or from not understanding each other's language, which is difficult to suppose." This, at all events, seems to be plain,—that the facts that traders can buy and sell by means of signs, and that they use signs in dealing with those of whose language they are ignorant, do not afford an adequate explanation of those numerous and important instances in which they not only do not address one another, but are careful to keep out of one another's sight.

It is right to point out that, in far the larger number of reported cases, one of the parties represents a relatively high, the other a relatively low, type of culture. For example, we find on the one side the Arab, or the Malay, or the Chinaman, and on the other the negro, or the Kubu, or the Veddah. And it has been suggested³ that the usage in question is a consequence of the practice adopted by traders and travellers belonging to civilised peoples, in opening commercial relations with savages who shun their approach,—the practice, namely, of placing such articles as rude men value near their usual resorts, in the hope of overcoming their fears, and inducing them to make a return. Such an explanation, however, does not account for this form of traffic where the parties to it are equally uncivil-

¹ P. 53.

² III. 163.

³ Rosscher, iii. 138.

ised,¹ or when the party who makes the first advances is the less civilised of the two,² or where the practice survives in the market usages of rude tribesmen who speak the same language and occupy the same level of culture.³

Sec. 37. It is not to be supposed that this usage is invariably due to one and the same cause, or that it has invariably followed the same course of development.⁴ Thus very similar methods have been adopted for the purpose of avoiding contact with persons infected, or belonging to a different caste. While the plague was raging at Winchester, those who wished to exchange without coming into touch with those who were stricken, placed the articles on a large stone outside the city walls:⁵ Mateer⁶ says of the Pulayar of Travancore, that one of that caste may not approach within ninety-six paces of a Brahman, or within about forty-eight paces of a Sudra. "If he wishes to make a purchase, he places his money on a stone, and retires to the appointed distance. Then the merchant or seller comes, takes up the money, and lays down whatever quantity of goods he chooses to give for the sum received." Or the practice may be the result of obedience to a law forbidding the reception of strangers,⁷ or of the

¹ *E.g.*, certain mountain tribes of Guatemala and the negro merchants of Melli (see above, sec. 26). As to the Chukchi, see above, sec. 27. It is sufficiently obvious that this type of case may occur very much more frequently than the number of recorded instances would lead us to imagine. We are, of course, not likely to hear of such cases from the parties.

² *E.g.*, Akka, Veddahs, Smoos, and Twakas, the native tribes of the Rio del Norte (see above, sec. 26), and the Makuas (see above, sec. 27).

³ As at Wairuku (see sec. 30 above).

⁴ See as to Ngia-ngiampe above, sec. 35, note.

⁵ J. Milner, "History of Winchester," Winchester, 1798, i. 428.

⁶ "The Land of Charity: A Descriptive Account of Travancore and its People," London, 1871, pp. 46, 47.

⁷ Diego de Torres ("Relacion del origen y su cesso de los Narifes," Sevilla, 1585, p. 469) informs us that the inhabitants of Tomocotu, in consequence of a

special circumstances of a particular trade.¹ Still, we are led by a survey of the evidence to believe that, in the majority of cases, it arose among men who desired to obtain, without the exercise of force, certain articles which were to be found, not within the limits of the association to which they belonged, but in the possession of alien, and therefore hostile, tribes. They were compelled to hit upon some means of inducing those who owned the coveted articles to part with them freely and voluntarily; and, in seeking for these means, they had no guide but their experience of transacting with their fellow-tribesmen. The principle which underlay these transactions was that of giving on the understanding or, at all events, in the expectation of receiving an adequate return; and it was this principle which they applied in their dealings with strangers. They chose some spot on the border-land between their own country and that of the tribe with which they wished to traffic; and there they set out their

law excluding strangers from their territory, were in danger of losing their commerce. Accordingly they erected buildings beyond the city walls, and permitted strangers to occupy them for purposes of trade. The strangers set out their wares before the doors, and withdrew within. The citizens inspected the goods, and, having laid down little heaps of gold, retired in their turn. Then the strangers came out, and, if they were satisfied, took the gold. If they were not satisfied they retired again, and made a signal. Upon this the citizens retired, and, if they wished the wares, added gold to the heaps. Then, if the strangers were satisfied, they took the gold, and the citizens carried off the wares. If this statement be well founded, it would seem that we have here an application of the primitive method in circumstances not primitive.

¹ According to Lansdell ("Through Siberia," London, 1882, i. 102), when the merchants of Tobolsk go north in the summer to purchase fish "they take with them flour and salt, place them in their summer stations, and on their return leave unprotected what remains for the following year. Should a Samoyede pass by and require it, he does not scruple to take what he wants, but he leaves in its place an I.O.U., in the form of a duplicate stick, duly notched, to signify that he is a debtor; and then, in the fishing season, he comes to his creditor, compares the duplicate stick he has kept with the one he left behind, and discharges his obligation."

wares in the hope of disposing of them and obtaining what they wanted in exchange. And all the while they secured their own safety by keeping out of sight. Having once succeeded in opening a trade, they would naturally endeavour to renew it from time to time. And, if those with whom they traded were desirous that the trade should continue, they would refrain from either carrying off the articles offered without leaving a return, or attempting to capture or maltreat those who made the offer.¹ Thus a trade in which self-interest is the guarantee of good faith would become established at a fixed place, and, probably, at fixed times; and, if the articles were such as to command high prices in the markets of the world, and if the spot, where they were offered, was readily accessible,—if, for example, it was situated on a river-side, at the sea-shore, or where ways converged,—this trade would attract not only near neighbours but the merchants of distant countries.

Sec. 38. In many instances, the practice assumes a somewhat different form, both parties being present; and it may be thought that this is a change due to a long-continued course of fair dealing,—that the savage has become less timorous, and, while keeping at a safe distance from those with whom he is transacting, desires to see, and allows himself to be seen by, them. Still, we must remember that custom is slow to alter. Thus, we are told of the merchants of Melli and the Blacks of the Niger that “they have carried on their trade from time immemorial,

¹ “An emperor of Melli, curious to see these people, four were captured by stratagem. Of these one was retained. He never spoke, abstained from nourishment, and died in four days. . . . No one of the successive emperors have ever repeated a similar attempt, as, by the capture and death of the negro, they had during three whole years carried their salt to no purpose, as they never found any gold in return” (Cadamosto, 58; cp. Cartwright, i. 6).

without seeing or speaking to each other in the greatest harmony ;”¹ and we have a very similar account of the Aleuts ;² and so it may be that, in some cases at all events, this is not a later, but rather an independent, form, originating with men who were not too timid to show themselves.

Sec. 39. In some of the instances, the practice subsists only as a survival, the conditions which occasioned it having disappeared in whole or in part. Thus, in the case of the Aleuts, the parties are not enemies ; they belong to the same race and speak the same language ; and yet, in order to avoid being seen in transacting business, they will trade only through the medium of a third person.³ Among the Sabæans, the place of exchange is said to have been the temple of a god, who saw to the safe custody of the goods in return for a third of the price ;⁴ while the cacique of the Puelches fills the double rôle of protector and broker,—a rôle which, as we shall see,⁵ is of vast importance in the transactions of early commerce. He provides for the safety and maintenance of the foreign trader, he acts as middleman between him and his subjects, and he receives a present for his trouble.⁶ In the case of the natives of Fernando Po, and of certain tribes on the Niger, the parties to the traffic are separated from one another only by a line drawn in the sand ;⁷ and the mention of this line recalls to us Ibn-al-

¹ Cadamosto, 57.

² See above, sec. 28.

³ Dall (p. 396) states that they are too shy to transact business personally ; and, from what he says of them, it is plain that bashfulness is a marked characteristic of their disposition. Dall’s account of the silent trade is founded upon the valuable description of the Aleuts by the Russian priest, Weniaminow (see v. Wrangell, pp. 177-225). The case of the frequenters of the fair at Wairuku (see above, sec. 30) is somewhat similar. The fact that the Smoos and Twakas come down to the coast villages to dispose of their wares, when they have failed to find a purchaser by means of the silent trade, shows that among them the original conditions of that trade have disappeared (see above, sec. 26).

⁴ See above, sec. 29.

⁵ See below, sec. 48.

⁶ See above, sec. 28.

⁷ See above, sec. 27.

Wardī's ¹ description of the silent trade, and suggests that, in this instance, one characteristic of the primitive practice has alone survived.

Sec. 40. Viewed as a factor in the constitution of relations which, if not friendly, are at least not hostile, the primitive market, except in its rudest forms, shows a marked advance upon the previous practice. Those who engaged in the silent trade secured their safety by keeping apart from those with whom they were dealing ; ² but those who frequent the market are safe, for the time being, at all events, although they associate with one another in the prosecution of their affairs. For the place itself is regarded as neutral, and, in some cases, as sacred ; in other words, the conception of a "peace" has been formed,—a peace attached to a certain spot, and observed while the market held there lasts. Sometimes the peace extends beyond the limits of the market-place to the paths which lead to it ; and a further advance is made when the privilege becomes personal rather than local,—becomes, that is to say, the privilege of the trader rather than of the place of trade.

¹ See above, sec. 27.

² Dalton's statement ("Descriptive Ethnology of Bengal," Calcutta, 1872, p. 279), regarding a tribe of Gonds is interesting in this connection. He says that "the Máriás are described as an intensely shy people ; so much so that those who are most accustomed to deal with them are not admitted to an interview. The officer who collects their annual rent approaches a Máriá village, beats a drum, and retires. The customary dues are then deposited for him at a spot previously agreed upon, and left for him to appropriate."

III.—PRIMITIVE HOSPITALITY.

I.

SEC. 41. An examination of the methods of primitive commerce serves to show us how the old view and the old practice in regard to the stranger gradually yield to a new view and a new practice. He does not cease to be an enemy ; but, for a limited time and for a special purpose, he is treated as a friend. This temporary friendliness assumes, at an early stage of commercial intercourse, a form familiar to primitive men in their dealings with those of their own tribe. They are accustomed to exercise hospitality towards their fellow-tribesmen, to visit them, and to receive visits from them. These visits are not always, but are almost always, accompanied by an exchange of gifts, which is, in some cases, indistinguishable from barter. This method of exchange was, as we have seen,¹ adopted in the earliest transactions of trade with strangers ; and, by a somewhat similar process of adaptation, the exercise of hospitality is extended beyond the tribal circle.²

¹ See above, sec. 37.

² A striking testimony to this modification of view and practice in favour of the stranger is supplied by language in a group of words, of which the original meaning is that of the guest or stranger and the enemy. It is not doubtful that the Latin "hostis,"—"the stranger," "the enemy,"—is identical with the Goth. "gasts," Greek ξένος, Old Germ. "gast,"—"the stranger," "the enemy," "the guest,"—and with the old Slav. "gosti,"—"guest" ; but the Latin word does not express the feeling of friendliness towards strangers. That feeling finds expression for the first time, so far as Latin is concerned, in

Sec. 42. But, in order to secure a friendly reception, the stranger must show that his intentions are pacific. Even the man who visits another member of the same tribe must signify, in some way or other, that it is a friend who is approaching. Thus, among the natives of King George's Sound, the visitor advances with green boughs in his hand, and a fillet of green leaves on his head;¹ and, among the Yuracarès, he announces his presence by sound of trumpet.² In Mexico, the peaceful traveller, especially the

"hospes" ("hosti-pets") (Schrader, "Reallexikon d. Indogermanischen Alterthums-kunde," Strassburg, 1901, p. 271; R. v. Ihering, "Geist d. R. R.," i. 227). In the Russian chronicles, the word "gosti" is applied especially to merchants; and it may be observed that, in the town-laws of Copenhagen, "gesteskud" is the payment which the foreign merchant made for the privilege of trading (A. L. von Schlözer, "Russische Annalen in ihrer Slavonischen Grundsprache: . . . erklärt und übersetzt," Göttingen, 1805, iii. 280, cp. iv. 64).

¹ Scott Nind, 44. The presentation of green boughs or the wearing of green leaves is regarded as a token of peace by the Australian tribes (Curr, i. 86), and in many parts of Polynesia (Ellis, "Polyn. Researches," i. 318; "Byron's Voyage," in Hawkesworth, i. 105; Cook and King, i. 187, 191; iii. 76; Wilkes, i. 320; v. 41; Kotzebue, ii. 23). A somewhat similar account is given of some of the tribes of New Zealand (Forster, "A Voyage Round the World," London, 1797, i. 161, 167; Dumont D'Urville, "Voyage de la Corvette l'Astrolabe pendant les Années 1826-29;" "Histoire du Voyage" (Paris, 1830, ii. 556), of the Araucarians (Stevenson, "A Historical and Descriptive Account of Twenty Years' Residence in South America," London, 1825, i. 55, 105), and of the Batta of Sumatra (Marsden, 308). In some instances, it seems to be doubtful whether the symbol is meant to express submission or amity. See Herrera (i. 170, iv. 207, 327) regarding the natives of Hispaniola, New Spain, and Peru, Mariner (i. 153, 284) regarding the inhabitants of the Tonga group, and Wilkes (v. 41) regarding those of Depeyster's group. To set fire to green boughs, and wave them when burning, is considered by the Australian aborigines as equivalent to a declaration of hostilities (Mitchell, i. 243, 280. But see Brough Smyth, "The Aborigines of Victoria," London, 1878, i. 134, whom Crawley (p. 146) quotes in support of the statement that when one Australian "tribe approaches another, that is unknown to it, they carry burning sticks to purify the air"). When the Namaquas wish to be at peace with the Kamaka Damaras, they hold unpeeled sticks in their hands (Alexander, p. 170); and among the Shoshonees, the stranger paints the women's checks with vermilion in token of peace (Lewis and Clarke, ii. 86).

² D'Orbigny, iv. 164.

pedlars by whom the trade of Anahuac was largely carried on, bore a wooden staff in sign of peace.¹ In East Africa, the stranger "must sit under some tree outside the settlement, till a deputation of elders, after formally ascertaining his purpose, escort him to their homes."² In the Marianne Islands, he must immediately on his arrival announce himself to the headman of the village, on pain of being treated as an outlaw.³ The same conception seems to have found expression in the law of Ine, which provided that if the stranger would not be taken for a thief, he must either keep to the beaten track, or shout, or blow a horn;⁴ and in the widely prevalent practice of savages, who show, by displaying the articles of which they are ready to dispose, that they have come, not to fight, but to trade.⁵ On the other hand, it is all important for the stranger to know whether those whom he is approaching are, or are not, well-disposed towards him. The Masai women show their friendly feelings by going to meet him with grass in their hands, and chanting a salutation;⁶ and, at the Bay of Good Success, the Yahgans rose to meet the voyagers, each of them throwing away a small stick. By this action they were understood to mean that they had cast aside their weapons, and that their intentions were friendly.⁷ So, too, the Shoshonee warriors will not smoke the pipe of peace with strangers until they have pulled off their own moccasins. By this ceremony they intend to indicate

¹ E. J. Payne, "History of the World called America," Oxford, 1892, i. 534.

² R. F. Burton, "The Lake Regions of Central Africa," London, 1860, ii. 55. Sometimes the object of his visit is first ascertained by divination (D. and C. Livingstone, "Narrative of an Expedition to the Zambesi, 1858-64," London, 1865, p. 109). ³ Waitz-Gerland, v. (Th. ii.) 125.

⁴ Grimm, D. R.-A., 400; but see Wilda, 673, note ³.

⁵ *E.g.*, O. v. Kotzebue, i. 189; see below, sec. 55, note ³.

⁶ Thomson, p. 89; cp. p. 197.

⁷ Cook's "Voyage" in Hawkesworth, ii. 43.

that their friendly professions are sincere, and imprecate upon themselves the misery of going barefoot for ever,—no small thing in their thorny country,—should they prove neglectful of their guests.¹ Among the Indians of Guinea, the host expresses his kindly intentions by offering a bowl of drink to his visitor,² among the Brazilian natives by handing him his lighted cigar,³ and among some of the Papuan tribes by presenting him with betel nut.⁴ It seems probable that the elaborate forms of greetings in use among many peoples,—for example, among the Akawais, Arawaaks, and Macusis,—have the same end in view,—that of ascertaining and indicating the intentions of the parties.⁵

Sec. 43. Once received, the stranger is assured of protection ; but that protection has its limitations. Frequently it lasts so long only as he is in actual residence with his host. Thus, Burckhart⁶ says of the Arab that “he robs his enemies, his friends, and his neighbours, provided that they are not actually in his own tent, where their property is sacred.”⁷ Burton tells us that the Warori resemble the Bedouins in the one point, that the chief will entertain his guests hospitably so long as they are in his village, and will plunder them the moment they leave it. Again, it is said that at Meccah, “an inhabitant of one quarter passing singly through another, becomes a guest ; once beyond the walls, he is likely to be beaten to insensibility by his

¹ Lewis and Clarke, ii. 87. To smoke the calumet is to give the most inviolable pledge of keeping the peace. The passing of the wampum belt is a symbol of like meaning (Catlin, i. 235, 222, note).

² Schomburgk, i. 197.

³ C. F. Ph. von Martius, 56.

⁴ Kohler, “Recht d. Papuas,” “Zeits. f. vergl. Rechtsw.,” xiv. 389. Similar customs prevail at Amboina and Kissar (Riedel, 41, 405).

⁵ Schomburgk, i. 205, 361, 362 ; see also D’Orbigny, iv. 164.

⁶ “Notes on the Bedouins and Wahábys,” London, 1830, i. 158.

⁷ “The Lake Regions,” ii. 274.

hospitable foes ;”¹ and Petitot² tells us that, while the Eskimo of the Mackenzie River are truly hospitable to the stranger, and regard his person as inviolable so long as he is with them, they will, so soon as he has left their huts, or crossed the boundary of the district which they occupy, very probably rob him, and perhaps murder him. In many cases, however, the host continues to protect his guest after his departure, either by escorting³ him on his way, or by giving him some token which will secure to him a friendly reception.⁴

¹ R. F. Burton, “Personal Narrative of a Pilgrimage to El-Medinah and Meccah,” London, 1885, iii. 145.

² P. 85.

³ It is the invariable practice at Kordofan to escort the guest some distance (J. Petherick, “Egypt, The Soudan, and Central Africa,” London, 1861, p. 237). In Fiji, guests are always escorted to the canoe or to the outskirts of the town (Williams and Calvert, i. 155), and the Circassian host escorts his departing guest to another lodging (J. von Klaproth, “Travels in the Caucasus and Georgia, in 1807-08,” transl. by F. Schöberl, London, 1814, p. 336). See also, Meakin, “The Moors,” p. 294, quoted in the next note.

⁴ In Kunáma, it is a common practice for the host to give his staff to his guest as a passport and mark of protection (Munzinger, O. S., 384). Leo Africanus (ii. 327) speaks of a chief’s spear as being used for a like purpose. In the edition of the *Heimskringla* by Laing and Anderson (i. 68), the editors observe that, “when kings or great people met in those ages, they exchanged gifts or presents with each other, and do so still in the East ; and the original object of this custom was that each should have tokens known to the other, by which any bearer afterwards should be accredited to the original owner of the article sent with him in token, and even the amount of confidence to be reposed in him denoted.” A similar practice obtained in Old Russia (A. L. von Schläzer, “Russische Annalen,” iv. 59). The *σύμβολον* of the Greeks, the ‘symbolum’ or ‘tessera hospitalis’ of the Latins, the ‘chirs aëlychoth’ of the Carthaginians, and the *kalduke* of the Narrinyeri (see sec. 35 above), seem to have served a like purpose (Schrader, “Sprachvergleichung und Urgeschichte,” 2te Aufl., Jena, 1890, p. 507 ; *Id.* *Handelsgeschichte u. Warenkunde*, p. 11 ; *Id.* *Reallexikon*, p. 273 ; R. von Ihering, *Die Gastfreundschaft im Alterthum*, Deutsche Rundschau, Berlin, 1887, li. 387 *seq.*). Taplin (in J. D. Wood’s “Native Tribes of South Australia,” p. 33) observes that “sometimes two persons are made *ngia-ngiaupe* to each other temporarily. This is done by dividing the *kalduke*, and giving one part to each of them. As long as they retain the pieces they are estranged from each other, but when the

It was the custom in old Germany for a guest to remain not longer than three days ;¹ and a similar rule appears to have prevailed among the Moors of Brakna, on the Senegal.² Among the Aenezes, the stranger, who has no friend or protector in the camp, alights at the first tent, and is received as a guest whether the host be at home or not. On the expiry of three days and four hours, the host asks him whether he intends to prolong his visit ; and, if his answer be in the affirmative, he is expected to assist in such domestic matters as fetching water and milking the camels. He may decline to help, and, in that case, he incurs the censure of public opinion ; or, he may go to another tent.³ The Aleuts are hospitable, but in a way peculiar to themselves. A stranger, who has no relative or friend to whom to betake himself, may choose his quarters. He is not invited by anyone, but all are ready to receive him. He is entertained with the best, is asked for nothing, can stay as long as he likes, and is supplied on his departure with provisions for his journey.⁴ We are told⁵ of the Kandhs of Orissa that every stranger is an invited guest, and that a guest can never be turned away. So, too, the Ostiak host gives the stranger the best he has, and, after the repast, pre-

purpose for which this was done is accomplished, they return the pieces of the kalduke to the original owner, and then they may hold intercourse with each other again." According to Simpson (p. 926), "A man of good name would have no difficulty in procuring food and shelter while travelling through any part of the country" of the Western Eskimo, "as, when he ceased to be known by his own reputation, he would be accepted as guest by mentioning the name of his last entertainer." Meakin ("The Moors," p. 294) says that the Moor entertains the traveller for the night, and tells him next day for whom to ask in the first village on his route, a companion being sent with him if necessary.

¹ Grimm, D. R.-A., 400.

² Caillié, i. 75. As to the New Zealanders, see Cook and King, i. 139.

³ Burckhart, "Notes on the Bedouins," i. 179. See below, sec. 47.

⁴ Dall, p. 397.

⁵ Hunter, ii. 85.

sents him with a gift without expecting anything in return.¹ In Java, food and lodging are provided for all strangers arriving at a village. "It is not sufficient," say the Javan Institutions, "that a man should place good food before his guest ; he is bound to do more ; he should render the meal palatable by kind words, and treatment to soothe him after his journey, and to make his heart glad whiles he partakes of the refreshment."² Among the Great Ingushes, who have borrowed their manners and customs from the Ossetes and Circassians, care for the comfort of the guest and deferential behaviour towards him are carried still further ; for the host is said to wait upon him, and to eat whatever he may choose to throw to him.³ In addition to food and lodging and an amiable host, there is, amongst many peoples, further provision made for the stranger : he is, that is to say, admitted to the marital privileges of his entertainer. This custom illustrates the conception, widely prevalent among savage societies, that the wife is the husband's property, and can be disposed of as such. Nor is it the wife only who is subjected to this treatment ; it is, in many instances, extended to the daughter and the slave.⁴

Sec. 44. The person of the guest is sacred. Thus,

¹ Pallas, v. 162. This custom of making a present to the departing guest is very general. See Man, 94, 148 (Andaman Islands) ; Waitz-Gerland, vi. 145 (Polynesia) ; Laing and Anderson, *Heimskringla*, i. 138 ; iii. 26, 52 (Norse Kingdoms). As to the interchange of gifts between host and guest among the Homeric Greeks, see B. W. Leist, "Græco-ital. Rechtsgeschichte," p. 213 ; Schrader, "Handels-geschichte und Warenkunde," p. 9.

² T. S. Raffles, "The History of Java," London, 1817, i. 101.

³ J. von Klaproth, 349 ; the Mandans also wait on their guests (Catlin, i. 115).

⁴ Numerous authorities are cited in Westermarck, pp. 73-75, in Yule's edition of "Marco Polo," i. 214, and in A. H. Post, "Grundriss," i. 28. Crawley's explanation of the practice will be found at pp. 248, 280, 285, 479 of his book. See sec. 8 above.

among the Ossetes, the host considers himself responsible for his safety, and, if he be murdered or wounded, avenges him as if he were a kinsman. If he discover him to be his enemy, he entertains him notwithstanding ; and declares his enmity only on his departure.¹ The Circassian, when he has taken a person under his protection, or received him, will never betray him ; and should an enemy attempt to carry him off by force, the host's wife will give him milk from her breast. He thus becomes her son, and his brethren are bound to defend him and to avenge his blood.² Again, the Takue regard the rights of the stranger as peculiarly sacred ; and instances are recorded in which a guest, who has killed a man in the village, has been dismissed unharmed to his native land.³ Among the Kabyles, the *anaya*,—a form of protection,—maybe granted to an individual, a *çof*, a village, or a tribe ; and to injure the protégé is punishable with death and confiscation of property.⁴

Sec. 45. Among the Pacific islanders, an exchange of names⁵ constitutes the strongest pledge of friendship, each

¹ V. Haxthausen, p. 412 ; Keating ("Narrative of an Expedition to Explore the Source of St. Peter's River," i. 98) says that among the Potawatami, the stranger is protected ; but that, if he turn out to be an enemy, the laws of hospitality will not save him.

² J. v. Klaproth, p. 318. Among the modern Moors, the murder of the stranger is avenged by his late host as an insult to himself (Meakin, "The Moors," p. 294). As to blood-brotherhood, see below, sec. 45.

³ Munzinger, O. S., 208.

⁴ Hanoteau et Letourneux, ii. 61, 62. The *çof* is an association for the purposes of mutual defence and offence, and reaches every relation of life. Generally, each village is divided into two *çof* ; and, in times of trouble, the weaker of the two seeks the alliance of one of the *çof* of the neighbouring villages. The *çof* thus extends, sometimes to the tribe, sometimes even to alien tribes (*Id. ib.* ii. 14).

⁵ The practice is general in Polynesia (Waitz-Gerland, vi. 130-01 ; Cook and King, ii. 9 ; iii. 18 ; v. Kotzebue, ii. 48, 107), and is in use in the Solomon Islands (Mendaña, 113, 197, 232), in the islands of Torres Straits (Waitz-Gerland, vi. 622), and in some of the Micronesian Archipelagos

of the parties being bound to support and protect the other, and to permit him to share in the most intimate rights.¹ A ceremony, by which persons are joined together in an artificial bond of brotherhood is found among nearly all the tribes of Eastern and Central Africa.² Among the Batuta, those who are to be made brothers drink beer containing the blood of each ;³ and similar ceremonies are described as taking place at Mruli,⁴ among tribes near the east African coast,⁵ in Timor,⁶ in Borneo,⁷ in Old Germany,⁸ and among some of the Indian tribes of North America.⁹ Of the Sáre or brother-oath of the Wazaramo Burton¹⁰ says that "like the 'manred' of Scotland, and the 'munh

(*Id.* v. (Th. ii.) 130). It is also found in the Antilles (*Id.* iii. 388), among the native tribes of South Australia (Angas, i. 59), the Chopunnish (Lewis and Clarke, iii. 254), the Spokanes (Bancroft, i. 285, note), the Mohawks (C. Colden, "The History of the Five Indian Nations of Canada," London, 1755, i. 11), the Mapuchés (E. R. Smith, "The Araucarians," New York, 1855, p. 262), and on the Zambesi (D. and C. Livingstone, "Narrative of an Expedition to the Zambesi," p. 149). In the Marianne Islands the child receives its name from the friends of the family ; and they in consequence of giving it, are looked upon as related to the child, and as having undertaken certain duties in regard to it (Waitz-Gerland, v. (Th. ii.) 109).

¹ Ellis, "Polyn. Researches," iii. 124.

² Kohler, "Das Banturecht in Ostafrika," "Zeits. f. vergl. Rechtsw.," xv. 40 ; G. Burrows, "The Land of the Pigmies," p. 28.

³ Livingstone, "Missionary Travels," 488 ; cp. Herodotus, iv. 70, as to the manner in which the Scythians made oath.

⁴ C. T. Wilson and R. B. Felkin, "Uganda and the Egyptian Soudan," London, 1882, ii. 41.

⁵ Krapf, 238 ; Thomson, 88.

⁶ "A Naturalist's Wanderings," 452.

⁷ St. John, i. 116, 117 ; Ling Roth, ii. 205.

⁸ Brunhild says, "Rememberest thou that clearly, Gunnar? How ye twain (Sigurd and thyself) did let your blood flow together in the footprint (swearing brotherhood) . . ." ("The Long Lay of Brunhild, in 'Corpus Poeticum Boreale,'" G. Vigfusson and F. York Powell, Oxford, 1883, i. 308).

⁹ See authorities in Kohler, "Die Rechte der Urvölker Nordamerikas," "Zeitschrift f. vergl. Rechtsw.," xii. 392.

¹⁰ "The Lake Regions," i. 114. He observes that an exchange of small presents generally concludes the ceremony.

bola bhai' of India, and similar fraternal institutions amongst most of the ancient tribes of barbarians, in whom sociability is a passion, it tends to reconcile separate interests between man and man, to modify the feuds and discords of savage society, and principally to strengthen those that need an alliance." He adds that it forms a strong tie, as it is a matter of general belief that its infraction is followed by death or slavery.¹

Sec. 46. Among the Bechuanas and other Kafirs certain associations are formed, the members of which regard one another as comrades. The association is called "mopato," the comrade "molekane." When a fugitive comes to a tribe he joins the "mopato," corresponding to that in his own tribe to which he belongs. Further, the stranger may attach himself to an individual as his "molekane," from whom he will receive the necessary supplies.² So, too, the Eskimo of the Mackenzie River chooses a protector among the strangers whom he frequents; and this alliance, once recognised, becomes inviolable, and establishes between the parties a sort of relationship and community of rights and duties. If the protégé be rich, his only difficulty is to choose between protectors.³ At Rurutu, on the arrival of strangers, every native endeavours to obtain one as a friend. If he succeed, he carries him off to his own dwelling, where he and the other inhabitants of the district treat him with the greatest kindness. Some-

¹ In the Babar Archipelago, in the island of Wetar, and at Timor-laut, death or disaster attends the breach of the oath of friendship (Riedel, 342, 446, 447, 284; see also 153, 198, 396; and cp. 128. A curious custom is noted by Spencer and Gillen (pp. 461, 462) as existing among some of the Central Australian tribes. If a party of natives are about to go on a punitive expedition, and have among them a man of the locality whither they are bound, they force him to drink blood with them. Having done so, he is bound not to warn his friends.

² Livingstone, "Missionary Travels," 148, 316.

³ Petitot, pp. 138, 239.

times competition for the possession of the stranger is so keen that the natives come to blows.¹ Again, when a ship arrives at Mindanao, the natives come aboard and invite the voyagers to their houses, inquiring who has a comrade or "pagally." The former is a familiar male friend, the latter a Platonic friend of the opposite sex. This friendship is purchased with a small present, and afterwards confirmed with trifling gifts from time to time; and with this friend the stranger stays whenever he goes ashore.² Ibn Batuta³ describes a similar custom as existing at Makdeshu. The host buys and sells for his guest; and anyone attempting to overreach the latter, or to deal with him in the absence of his protector is censured by public opinion. When the Klaarwater Hottentot went to barter at Litakun he sought out his "maat," who, for a small present of tobacco, supplied him with provisions, and assisted him in making his purchases. When the "maat" visited the Hottentot village he had free quarters.⁴ A similar custom prevails among the Bamañwato. They place food, shelter, and a wife at the disposal of the friend.⁵

Sec. 47. Among the Bedouins, the stranger, by payment of a small sum, becomes "dakheil,"—protected. It is then a duty incumbent upon all to give him a brother's help; while to injure him is regarded as an offence greater than to injure his protector. In some cases,—among the Arabs of Sinai, for instance,—this protection is continued for three days and eight hours after the "dakheil" has left his protector's tent. But if the stranger neglect to make such payment, he may expect to be plundered; and, if he

¹ Ellis, "Polyn. Researches," iii. 104, 105.

² W. Dampier, "A New Voyage Round the World," London, 1703, i. 328.

³ II. 181, 182.

⁴ Burchell, ii. 555; cp. Burton, "The Lake Regions," ii. 55.

⁵ Chapman, i. 97, note.

resist, to be slain.¹ At Zayla, the Bedouin becomes the "Nazil" or guest of the townsman. This tie can be dissolved only by the formula of triple divorce, and its violation is severely punished.² Again, every Abyssinian merchant who transacts business at Massua enters into a like relation with some inhabitant of the place, who, in return for a payment, supplies him with food, and assists him in buying and selling.³

Sec. 48. According to Burton,⁴ "the Abban or protector of the Somali country is the Mogasa of the Gallas, the Akh of El Hejaz, the Ghafr of the Sinaitic Peninsula, and the Rabia of Eastern Arabia. . . . The Abban acts at once as broker, escort, agent, and interpreter, and the institution may be considered the earliest form of transit dues. In all cases he receives a certain percentage, his food and lodging are provided at the expense of his employer, and he not infrequently exacts small presents from his kindred. In return he is bound to arrange all differences, and even to fight the battles of his client against his fellow-countrymen. Should the Abban be slain his tribe is bound to take up the cause, and to make good the losses of their protégé. . . . According to the laws of the country, the Abban is the master of the life and property of his client." A similar institution is found among the Abyssinians,⁵ and the Bogos.⁶ Among the Beni-Amer the foreign merchant

¹ Burton, "Meccah," iii. 86; Burckhart, "Notes on the Bedouins," i. 174, 336.

² R. F. Burton, "First Footsteps in East Africa," London, 1856, p. 124.

³ Munzinger, O. S., 121.

⁴ Burton, "First Footsteps," p. 89. See Krapf (p. 83) as to Gallas, and Haggenschmacker (pp. 32-36) as to Somalis.

⁵ Burton, "The Lake Regions," i. 253.

⁶ W. Munzinger, "Sitten u. Recht der Bogos," Winterthur, 1859, pp. 44-46. The relationship thus created is held among the Bogos to be hereditary (*Id. ib.*: cp. R. v. Ihering, "Die Gastfreundschaft," pp. 389-392).

must take a temporary protector;¹ and, according to Leo Africanus,² the traveller must, in some parts of Morocco, have the escort of some saint or woman of the country.

Sec. 49. When the royal power is absolute, the king very generally monopolises commerce, at the same time protecting the trader. Thus, in the Soolima country, he does not permit mercantile transactions to take place except with his knowledge and in his presence. Strangers on arrival send their goods to his trading-house, and he makes known what is for sale. The purchaser makes his own bargain with the seller, and is responsible to the king for payment. When the stranger wishes to depart, the king collects the debt, retains custom, and gives him the balance and a present with leave to go away.³ At Shoa and Usambara, the foreigner, by giving a small present to the king, whose power is absolute, can secure his protection. He may not, however, leave the country without permission.⁴ At Ugogo, the passage-money exacted by the Sultan takes, in Burton's opinion, the place of the fees payable elsewhere to the Abban. No doubt the Sultan nominally receives it, but he must distribute the greater part of it among the members of his family, his counsellors, and his attendants.⁵

When the protection of the stranger is the concern of the community or of the king, he is, in general, lodged in a public building set apart for the entertainment of travel-

¹ *Id.* O. S., 314.

² II. 229, 326.

³ A. G. Laing, "Travels in the Timanee, Kooranko, and Soolima Countries in West Africa," London, 1825, pp. 356, 357.

⁴ Krapf, p. 370.

⁵ Burton, "The Lake Regions," i. 253; cp. ii. 55. As to passage-money in Uganda and Masailand, see Wilson and Felkin, i. 58; Thomson, pp. 94, 271; J. H. Speke, "Journal of the Discovery of the Source of the Nile," London, 1863, pp. 126, 131, 171.

lers.¹ The royal hospitality is not always, however, an unqualified benefit to the recipient. Thus, in Uganda, where all strangers are the king's guests, while they are permitted to help themselves to the garden-produce belonging to his subjects, they are frequently in great straits, for the people may not sell to them, and no one may visit them without leave. The object of these restrictions is, in part at all events, to secure to the king the full fleecing of his guests.²

Sec. 50. Not only does the hospitable man enjoy the approval of his fellow-tribesmen;³ but he who refuses

¹ In Transoxiana buildings were reserved for strangers where, at any hour, and in any number, they and their beasts of burden received entertainment ("The Oriental Geography of Ebn Haukel, an Arabian Traveller of the Tenth Century," translated by Sir W. Ouseley, London, 1800, p. 235). The Hovas allotted a separate hut to the stranger, where he was provided for by the chief of the place (Waitz-Gerland, ii. 437). In New Guinea, dwellings belonging to the headman are set apart for the travellers' benefit (D'Albertis, i. 390). Part of the Waháby revenue is appropriated to the support of houses of public entertainment for strangers (Burckhart, "Notes on the Bedouins," ii. 156). In the large island of Dahalak, the village chief meets stranger, and provides him with food in a house set apart (Munzinger, O. S., 101). Rest-houses were built by the Incas (Herrera, v. 57); and, in South Yucatan, the village chief provides inns for passing travellers (Waitz-Gerland, iv. 305). The Abassians set apart rooms for the accommodation of guests (J. v. Klaproth, 248); and for this purpose houses of public assembly are used by the Batta (Waitz-Gerland, v. (Th. i.) 184), by the Caroline Islanders (*Id.* v. (Th. ii.) 128), in the Loyalty Islands (*Id.* vi. 583), in Samoa (Wilkes, ii. 149), among the Hill Dyacks of Borneo (H. Low, "Sarawak," London, 1848, p. 282), and in Timbuctoo (Waitz-Gerland, ii. 94). In Fiji, temples are so used (*Id.* vi. 590, cp. 585); and the mosque El Azhar is famous for its pious foundations for the relief of poor travellers (J. L. Burckhart, "Travels in Nubia," London, 1819, p. 410, note). Moreover, accommodation was provided for travellers by the peoples of northern and classical antiquity (Schrader, "Handelsgeschichte a. Warenkunde," pp. 28-31).

² Wilson and Felkin, i. 209; ii. 17, 26; Speke, pp. 268, 304, 345, 373, 376. As to the protection of the "pakeha," see "Old New Zealand," pp. 165 *et seq.* As to the treatment of Jews in the Middle Ages, see Goldschmidt, p. 110.

³ Burckhart, "Notes on the Bedouins," i. 72 (Bedouins), cp. Ebn Haukel, 234, 235 (Transoxiana); Dall, 151 (Tribes S. of Yukon River); Rink, 28, 29; J. Simpson, 926 (Western Eskimo); Sproat, 112, 113 (Ahts).

hospitality is regarded as blameworthy, and is, in some cases, subjected to punishment.¹ Still, a friendly reception has, in some cases, inconvenient consequences. Thus, the Fiji islanders regard all strangers in an enemy's country as enemies;² and the same view seems to be held by the Black-feet and the Snake Indians.³ According to Basuto custom, every stranger in a foreign country must, on war breaking out, join with the inhabitants even against his own countrymen;⁴ and, in Tonga, every man is bound to espouse the cause of the chief on whose island he may happen to be when war is declared.⁵ On the other hand, in the Caroline Islands, strangers may pass without let or hindrance through hostile parties, remaining on good terms with both sets of combatants.⁶

II.

Summary.

Sec. 51. We have seen that visits are frequently interchanged between the different groups which compose a

¹ It was provided by the Lex Burgundia that "quicumque hospiti venienti tectum aut focum negaverit, trium solidorum inlacione mulctetur" (Grimm, D. R.-A., 399). Lack of hospitality is punishable among the Mongols (G. Timkowski, "Travels of the Russian Mission through Mongolia to China," . . . London, 1827; ii. 345); and the Kabyles (Hanoteau et Letourneux, ii. 117).

² Wilkes, iii. 298.

³ J. Dunn, "History of the Oregon Territory," London, 1844, p. 324.

⁴ Casalis, 224.

⁵ Mariner, i. 162, note.

⁶ Waitz-Gerland, v. (Th. ii.) 133. See also above, sec. 18, 33. In the Marquesas, a tribesman, who has entered into a bond of friendship with the members of a hostile tribe, may visit his friend's country in safety. "The individual so protected is said to be 'taboo,' and his person to a certain extent, is held as sacred" (Melville, p. 155; see Vincendon-Dumoulin et Desgraz, p. 258). According to the author last-named (p. 265), during certain festivities, of which each valley has its own, a solemn tabu protects strangers who come to participate in them. Hostile tribes come without fear to join in the pleasures of those with whom they have fought, or will shortly fight.

tribe, and that this practice prevails even in the case of tribes which have little, if any, acquaintance with commerce. These visits are not always,¹ but are almost always, the occasion of an exchange of gifts, and this exchange is, in some cases, indistinguishable from barter. It is not the entertainment of guests, but the entertainment of strangers as guests, which is unfamiliar to the primitive man. In the early stages of this novel relation, the stranger is still regarded as an enemy, but is treated as a friend for a limited time, and for a specific purpose. He can count, at the least, upon food and shelter, and protection, so long as he is actually in residence with his host. In some cases, he can prolong his stay as long as he likes; in other cases, he must bring it to a close on the expiry of a fixed period. Sometimes his entertainer protects him, even after his departure, by escorting him to the next village, or by protecting him with a token which will ensure his friendly reception. Not infrequently this relation is indicated by an exchange of names, or by some such ceremony as that of blood-brotherhood. At first it seems to have been strictly personal to the individuals concerned. We find, however, instances in which it does not cease on the death of the original parties to it. Further, in many cases, the stranger is treated by his protector's tribe as its protégé; and, in this attitude of a community towards an individual, we see

They generally leave on the evening of the third day,—a point of time which seems to be the limit of this friendly reception. Among the Nagas, if a tribesman marry a girl of a tribe at war with his own, he is regarded as a neutral (R. G. Woodthorpe, "Notes on the Wild Tribes, inhabiting the so-called Naga Hills, on our N.-E. Frontier of India, 1882, J. A. I., xi. 56, 196).

¹ There does not appear to be evidence in regard to the Yahgans showing that the giving and receiving of gifts were incidents of their visit. At the same time it is to be kept in view that they exchanged presents on certain special occasions (see above, secs. 7, 9).

the beginnings of that public hospitality which forms a marked feature in the life of classical antiquity. Lastly, it is to be observed, that to refuse hospitality is generally regarded by public opinion as blameworthy, and is, in some cases, punishable by law.

IV.—CONCLUSIONS.

SEC. 52. In the preceding pages, we have endeavoured to marshal the evidence which bears upon the early history of a remarkable change,—the change, that is to say, which has taken place in the modes in which man thinks of, and acts towards, his fellow-man. In primitive times, he regards and treats him as the subject of rights and duties, because he is a member of a group or association of groups. This early practice proceeds upon the view that the limits of the related groups,—of the tribe,—form the ring-fence of all social existence, and that beyond those limits lies a world, peopled with beings, at once feared and hated, towards whom the only possible attitude is one of unceasing hostility. The existence of these beings is a danger not merely to this or that tribesman, but to the tribe itself; it is essential to its very life that this danger be averted; and, accordingly, the tribal law¹ imposes upon each and all the duty of hunting down the stranger and slaying him like a beast of prey. But a time comes in the history of every society which has a history,—which is, that is to say, not wholly unprogressive,—when its members find that its unaided resources are insufficient for the supply of their ever-increasing wants. They are forced, in consequence, to enter into relations of some sort with the surrounding populations; and, in so doing,

¹ See above, sec. 23, and below, sec. 56.

they must adopt one of two methods. Of these the most natural to the savage is the method of violence ; for, according to the only rule of conduct, legal or moral, with which he is acquainted,—the rule of custom,—the stranger is without right of any kind ; and so it is neither murder to kill him, nor robbery to strip him of his goods. Still, this method has its inconveniences, for, it is uncertain in result and dangerous in practice ; and its danger and uncertainty lead the man, who desires to possess himself of his enemy's belongings, to seek for some means of inducing him to part voluntarily with them. The savage has no guide but his past experience of transacting with his fellow-tribesmen ; and, in these transactions, he proceeded upon the principle of giving in the expectation, or upon the understanding, that he would receive a suitable return. In dealing with his enemies he adopts a method,—the method of the silent trade,—which gives effect to that principle, and at the same time secures his safety. In its simplest forms, this practice does little to improve the mutual relations of the parties to it, for it leaves them as it found them, enemies. They, indeed, keep faith with one another ; but, in so doing, they are actuated, not by any feeling of amity, but wholly and solely by the wish to serve their own interests. Still, if the practice itself do not improve these relations, it makes improvement possible ; for it implies the view that an enemy, although he is an enemy, can be dealt with otherwise than by violence.¹

¹ R. v. Ihering ("Der Zweck im Recht," 2te Aufl., Leipzig, 1884, i. 242 ; Die Gastfreundschaft, 382) observes that, if the savage spare the stranger, he spares him not from any friendly feeling towards him, for he hates and fears him, but because he has discovered that a living slave is of more value than a dead enemy ; and that this recognition of the worth of human life is the first step towards the recognition of man *quâ* man as a *persona*. The evidence seems to show that, while primitive tribes may, in some instances, have spared

Sec. 53. Upon this mode of intercourse that of the primitive market shows an important advance, because in all but its rudest forms it brings men together, whereas the earlier usage keeps them apart. They run no risk of violence, so long as the trade continues ; for the spot where it is carried on is always neutral and often sacred. In many instances, the privilege comes to be personal rather than local ;—that of the trader rather than that of the market-place ; and, in such cases, it assumes a form familiar to the tribesmen in his intercourse with his fellows,—the form of hospitality.

Sec. 54. Primitive hospitality resembles modern hospitality in one, and only in one, respect,—it is concerned with the relation of host to guest. The modern host entertains his friends and acquaintances, and perhaps the friends of his friends ; and, in so doing, he fulfils his so-called social duties. But these are duties only in name ; they are neither morally nor legally obligatory ; and the man who fails to discharge them suffers no practical inconvenience other than that of being left more or less to himself. In short, hospitality is nowadays and at its best a matter of good fellowship only ; it is not an affair of public concern. But, among primitive peoples, it has an importance which can hardly be over-estimated. It is not confined in its range to those who are known to the host either personally or through the introduction of a mutual friend, but is extended to absolute strangers. Moreover, it is obligatory ; and he who neglects or refuses to exercise it incurs the censure of public opinion, and is, in some cases, made liable to the penalties of the

their enemies in order to barter them, they did not themselves keep slaves, owing, no doubt, in part, at all events, to the difficulty of maintaining them. The Australian and Samoan practice (see above, sec. 9) in regard to the conquered probably represents the primitive practice.

law.¹ At the same time the privilege accorded is not, except in its later forms, a permanent privilege. In other words, the stranger is protected by a certain person, for a certain time, at a certain place ; and so soon as he has overstayed the prescribed time, or has left the appointed place, he becomes once more the enemy of his quondam host.

Sec. 55. The relation of protector to protégé is, in its inception, a relation between individuals. It is, that is to say, not the tribe but the tribesman who is responsible for the safety of the stranger, who takes up his quarrels and avenges his wrongs. Still, it is the community that insists that he shall be protected, not from any wish to befriend him, for it regards his existence as a standing menace to its own, but because it recognises in him a capacity of serving its interests.² Enemy though he be, he is necessary to it, for it is through him alone that some of its most pressing wants can be supplied. The enforcement of the general rule except in the one specific case,—the assumption that the stranger, if he be not a trader, is an enemy,—is amply justified. For the savage does not travel for the sake of travelling, or to advance the cause of religion or of science.³ He crosses the border of his tribe for two purposes only,—for the purpose of making war, and for the purpose of engaging in trade.

Sec. 56. It is perhaps necessary to explain what we mean when we speak of a community as actuated by motives ; and we can make ourselves clear most easily by means of an illustration. Take for instance foreign trade in its most primitive form. Certain members of a tribe

¹ See R. v. Ihering, "Die Gastfreundschaft," p. 357 *seq.* ² *Ibid.*, p. 378.

³ The savage cannot be made to understand that an expedition can have any object other than gain or conquest (see, for example, St. John, i. 265). Livingstone observes ("Narrative of an Expedition to the Zambesi," p. 434), that "the usual way of approaching an unknown people is to call out in a cheerful tone, 'Malonda !' Things for sale, or do you want to sell anything ?"

desire to exchange their goods for those belonging to a stranger. They employ the method which appears to them to be the most suitable for their purpose ; and if, by its means they succeed in opening a trade, others adopt it. Savages are like sheep ; they follow the leader ; and what was the innovation of the few becomes the practice of the many ; what was the interest of the few becomes the common interest. Of course, it is not to be supposed that the action of the individual is consciously directed to the realisation of a common aim ; in the first instance, at all events, he acts exclusively with a view to his own interest. Still, his interest and the interests of his fellows converge in one point,—in the establishment of a trade ; and, in this coincidence of interests, are to be discerned the first beginnings of community of interests.¹ Conduct, according as it serves or disserves these common interests, is approved or disapproved by each and all ; and thus a public opinion is gradually formed which assigns to individual activities their limits, and determines their direction,—which, in short, keeps them to the road which custom has built.

Sec. 57. These interests are not always and everywhere the same ; they change, and as they change, the law of tribal custom changes. In the early life of a society, its main concern is to secure its bare existence in the midst of hostile surroundings ; and, accordingly, its law proscribes the stranger. If, at a maturer stage, it is forced by the pressure of new wants to engage in a trade with aliens, it can induce them to visit its markets only if it provide for their safety ; and, accordingly, its law will protect them. We are not to explain this change by supposing that the older law proceeds on a misunderstanding of some eternal

¹ See R. v. Ihering, "Der Zweck," i. 37 ; W. Bagehot, "Physics and Politics," new edition, London, 1900, No. iii.

verity which the later law more clearly apprehends. Law is not concerned with the ascertainment of eternal verities. It exists, and exists only, to safeguard the interests of the community within which it prevails; and, if it perform this its task, it needs no further justification. Law is warranted in proscribing the stranger, when he is a danger to the community, and in protecting him, when he is of service to it. In short, the earlier law constitutes a stage in a development,—a stage which is the necessary *prius* of all subsequent stages; and it is as indispensable to the men of its time, as is the later law to the citizens of the modern world.¹

Sec. 58. Law changes, and the change is brought about by individual action. Still, the innovator is controlled by a public opinion which is intensely conservative. When, for example, the primitive tribesman seeks to induce the stranger to part with his goods, he applies the principle which he found effectual in dealing with his fellows within the tribe. At the same time, he adapts the method to the novel circumstances. He sets out his goods in the expectation of receiving in exchange the articles which he desires, and secures his own safety by keeping out of sight.² Again, when he extends his protection to the stranger, he clothes it in a familiar garb. He is conversant with the exercise of hospitality towards, and by, the men of his own tribe, and he shields the stranger by receiving him as his guest.³ Still, while the relation is in form that of host to guest, it is in substance rather that of protector to protégé. Thus change proceeds as nearly as possible upon the lines of the old usage.⁴

¹ See R. v. Ihering, "Der Zweck," i. 435 *seq.*, ii. 119; *Id.*, "Die Gastfreundschaft," 360. ² See above, secs. 26, 27. ³ See above, sec. 41.

⁴ As to the mode in which change in custom is brought about among some of the tribes of Central Australia, see Spencer and Gillen, pp. 11-15, 272, 324.

Sec. 59. We have seen that the exercise of hospitality to the stranger is required by law. It is also a moral and a religious duty. Of course, we must remember that, when we contrast moral or religious with legal duties, we make a distinction which is absolutely unknown to primitive man. He lives subject, not to rules, but to a rule which is all-inclusive,—the rule of custom. In observing it, he acts as morality, religion, and law require ; in breaking it, he commits a sin as well as a crime, and thus not only exposes himself to the censure of his fellows, but brings himself into antagonism with the supernatural. In all cases, accordingly, in which hospitality to the stranger forms part of the tribal custom, neglect or refusal to exercise it arouses the Divine displeasure, not, be it observed, because that neglect or refusal is injurious to the stranger, but because it constitutes a breach of custom. Moreover, it is not the sinner or the criminal alone who suffers for his fault. Corporate responsibility forms one of the most striking characteristics of primitive society. Custom exacts uniformity of conduct from men whose natural propensity it is to imitate those with whom they are associated ;¹ and this assimilation of man to man within the tribe, taken in conjunction with the isolation of the tribe itself, accounts in no small measure for the solidarity which subsists between its members. The community must answer for the guilt of the individual belonging to it ; while it, on the other hand, is entitled to hold the stranger liable for the deeds of other strangers with whom he is wholly unconnected.² This conception is not limited to the affairs of earth ; it has its religious side. The whole tribe is imperilled by the sin of the

¹ See above, sec. 23.

² See above, secs. 9, 50. See also Turner, "Samoa," p. 92 ; Dieffenbach, ii. 127.

tribesman,—by his breach of custom ;—and accordingly, if it would escape the Divine wrath, it must insist upon the observance of custom. It is not to be supposed, however, that it is only as an integral part of custom that the duty of hospitality is brought into touch with religion. In many instances, it is itself impressed with a sacred character. Sometimes a religious significance attaches to the symbolic act which not infrequently marks the relation of protector to protégé. Thus, the presentation to the visitor of betel, or of a bowl of drink, or of a lighted cigar,¹ has in itself a certain sacramental quality.² Sometimes the host, by performing the act, not only expresses his kindly intentions, but imprecates misfortune on himself, should he prove false to his guest.³ And, where the act is in form an oath, it is deemed certain that the oath-breaker will be punished with death or disease or slavery.⁴

Sec. 60. Undoubtedly custom, which exacts uniformity of action in all that directly concerns the community, tends to make conduct in general uniform,—the similarity between the members of a tribe is matter of common observation,—and yet it does not obliterate all diversity of disposition and character. One savage is by nature braver or cleverer or more generous than another ; and his distinguishing quality is impressed on his actions, even when he is following the mere routine of custom. Take for instance the case of a community which has learned to

¹ See above, sec. 42.

² The religious meaning of these and similar symbolic acts is considered by Crawley ("The Mystic Rose ;" see especially pp. 238, 263).

³ See above, sec. 42.

⁴ See above, sec. 45. In considering this matter we may not leave out of view the instances referred to above (see above, secs. 33, 40), in which not only the markets, but the strangers frequenting them, are regarded as under Divine protection.

appreciate the advantages of foreign trade. It is its interest to attract the merchant; and, accordingly, its custom prescribes to its members the duty of protecting him. Still, as hospitality in its earlier forms is exercised only by individuals towards individuals, the mode of its exercise will differ as host differs from host and guest from guest. The man who enjoys the society of his fellow-tribesmen,—who receives and entertains them with kindness and generosity,—will, we may be sure, extend like treatment, or treatment which is different only in degree, to the guest whom custom assigns him. The exercise of hospitality, even as a mere compliance with custom, tends to stimulate the social feelings; and, of course, the personal element of which we have spoken will operate in the same direction. Accordingly, the relation between the tribesman and the stranger ceases, in some instances, at all events, to be what it was in its inception,—a purely external relation. Custom finds a response in the hearts of its followers. It, indeed, points out the path which they must take; but they, in taking it, not only conform to legal requirement, but obey the promptings of benevolence.

Thus the rule of law, which prescribes that hospitality shall be extended to the stranger, accords with the suggestions of feeling, and has behind it the sanctions of religion; and these three elements co-exist undifferentiated in the complex of custom.¹

Sec. 61. It is at this point that we take leave of hospitality. At the same time a single observation may be made with regard to its later history. We have seen that the

¹ The notion of a god of hospitality, such as the *Zeús ξένιος* of the Greeks, appears to belong to a stage of culture more advanced than that with which we are dealing. R. von Ihering identifies *Zeús ξένιος* with the Phœnician Baal (*Die Gastfreundschaft*, 393). In the essay just cited he expresses the view

sphere of morality coincides with that of law so long only as the interests of the members of the community are identical in range and quality with those of the community itself. Except in a society which is wholly unprogressive, such an identity can endure but for a time. Now and again new wants arise, evoking new activities; and a practice springs up which, in its inception at all events, lies beyond the domain of law.¹ Or it may be that, owing to some change which has taken place in its own circumstances, or in those of the persons, not its members, with whom it has relations, the community finds that a course of conduct, which law made obligatory in its interest, has ceased to serve it. In such a case, the sphere of law, as it were, contracts, and leaves without the conduct with which it is no longer concerned. Of this separation the institution of hospitality furnishes an instance. As we have seen,² a community which desires the presence of the foreign trader must provide for his safety. It is, in short, its interest to protect him. And since law exists, and exists only to safeguard its interests, it is the business of law to

that whatever may have been the private motives which induced this or that man to entertain the stranger, it was the practical necessity of a commercial people which first made the exercise of hospitality a matter of public concern, and raised it to the dignity of a public institution. The Phœnician was *par excellence* the trader of antiquity, and what he required when he touched at a foreign port, was not so much a host as a protector. He did not need to be housed and fed, for he had a home in his ship. What he did need was to be secured from danger to life and property; and this security he could obtain only by attaching himself to some native of the place willing and able to protect him (*Ib.* 359, 373, 382 *et seq.*). It may quite well be that the origin of Phœnician hospitality is to be sought in the trader's need of protection; but Von Ihering's view that this institution first saw the light among the Phœnicians does not by any means follow,—it is, indeed, at variance with the facts. An interesting account of guest-friendship in Homeric society is given by Keller (pp. 299 *et seq.*). Schrader ("Reallexikon," p. 270) cites authority to the effect that the Celts worshipped a god of hospitality under the name of Ceroklis.

¹ Cp. secs. 56, 57 above.

² Cp. sec. 55 above.

make the necessary provision, and this it makes in the institution of hospitality. But where inns are numerous, where the ways and places of commerce are secure, the merchant requires neither host nor protector, and hospitality as a legal institution passes away. Still, this relation between man and man continues to subsist. The host, in performing the duties which law imposed upon him, found that his guest was a man like himself; and he entertained and protected him not merely because, in so doing, he consulted his own interest and that of the community to which he belonged, but because he saw in him a human being who stood in need of assistance. The legal duty disappears, the moral duty remains. The form continues the same,—the stranger, that is to say, is entertained and protected,—but the substance of the relation has altered, and the exercise of hospitality comes to be regarded no longer as legally obligatory, but as a moral, it may be, as a religious, act. Not only does hospitality change in character, it becomes extended in range; it reaches the wanderer and the suppliant; and it is only when it is relieved of these cares that, ceasing to protect, and existing only to entertain, it sinks to its modern level.

Sec. 62. We have reached the end of our inquiry. In the introductory pages, we have endeavoured to supply the setting in which inter-tribal commerce first appears,—to bring together, in so far as they directly bear upon it, the facts relating to the institutions of the primitive tribe and its attitude towards its neighbours. We have given some account of the silent trade; we have seen that it is not a mere isolated curiosity, but a usage of which instances are to be found in every quarter of the globe; and we have attempted to assign it its place in the history of human intercourse. It may perhaps be thought that it

is irrelevant, in this connection, to examine the evidence relating to the primitive market and primitive hospitality. We are not of this opinion, however. We think that, until we have made ourselves acquainted with that evidence, we are not in a position to appreciate the true significance of the silent trade. By its means, peaceful intercourse between the men of alien tribes is for the first time made possible ; and this introduction of a "peace" marks a new era in human affairs. The usages of the primitive market betray its close connection with the earlier practice, and the affinity of the personal privileges of the guest with those attached to the trading-place is hardly less obvious. Accordingly, it appears to be clear that the later forms,—the neutrality of the market and the protection accorded by the host,—are not new expedients, but are extended applications of the original device.

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